

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



March 11, 1996

ALL-COUNTY LETTER NO. 96-07

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY GAIN COORDINATORS
ALL COUNTY CAL-LEARN COORDINATORS
ALL COUNTY NET COORDINATORS

REASON FOR THIS TRANSMITTAL

- ☒ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order or Settlement Agreement
- ☐ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

SUBJECT: IMPLEMENTATION OF ASSEMBLY BILL (AB) 1371 AND AB 1617 REQUIREMENTS

REFERENCE: ALL-COUNTY INFORMATION NOTICE NO. I-44-95 DATED SEPTEMBER 27, 1995;
AB 1371 (CHAPTER 306, STATUTES OF 1995); AB 1617 (CHAPTER 883,
STATUTES OF 1995).

This letter is to provide county welfare departments (CWDs) with emergency regulations, implementation instructions, revised forms, notices, and contracts, and an interim Greater Avenues for Independence (GAIN) Guidebook necessary to implement provisions of AB 1371 and AB 1617. The attached regulations introduce GAIN program reforms and have an effective date of January 26, 1996.

Background

In the Spring of 1994, the Governor requested the California Department of Social Services (CDSS) to convene a work group to develop recommendations for improving the GAIN program. The Governor's GAIN Advisory Council (GAC) was established and in September 1994, the GAC released a report containing recommendations for improving the program with emphasis on increased employment focus, cost effectiveness, greater county flexibility, and program outcomes. The CDSS sponsored AB 1371 to enact the program reforms recommended by the GAC. These reforms are expected to result in Aid to Families with Dependent Children (AFDC) grant savings as more recipients obtain employment as a result of their participation in the GAIN program. The Department also sponsored AB 1617 to reorganize, correct, and clarify GAIN requirements as contained in GAIN law and regulations.

The following attachments have been developed for use in implementing the emergency GAIN reform regulations:

Attachment 1 SUMMARY OF GAIN PROGRAM CHANGES AND IMPLEMENTATION INSTRUCTIONS

Attachment 2 EMERGENCY REGULATIONS

Attachment 3 GAIN NOTICES OF ACTION

Attachment 4 GAIN CONTRACTS

Attachment 5 GAIN FORMS

Attachment 6 INTERIM GAIN GUIDEBOOK

If you have any questions regarding this letter, please contact your Employment Operations analyst at (916) 657-3403.

A handwritten signature in cursive script, appearing to read "Bruce Wagstaff".

BRUCE WAGSTAFF
Deputy Director
Welfare Programs Division

Attachments

SUMMARY OF GAIN PROGRAM CHANGES AND IMPLEMENTATION INSTRUCTIONS

County GAIN Plans

Time Frames and Performance Objectives

Each county must submit a biennial county plan beginning in State Fiscal Year 1996-97 within two months of being notified of the county's planning GAIN allocation. The plan must identify the county's performance objectives for each of these fiscal years and include goals for the number of job placements, grant reductions, and grant terminations that reflect increased income from employment.

The Department will monitor each county's progress in meeting its performance objectives via the GAIN 25 statistical report. If the Department determines that a county is unlikely to meet performance objectives for the first year of its biennial plan, the county will be required to submit a plan update within 30 days of being notified by the Department. The update must describe those steps the county will take to enable it to meet its performance objectives for the following year. AB 1371 specifies that by June 30, 1996, CDSS must develop additional performance objectives based on outcome measures. The Department has established a state/county task force to develop these performance objectives.

Cost Reduction and County-identified Target Groups

If county resources are insufficient to serve all GAIN registrants, a cost reduction method for prioritizing registrants for services must be adopted by the county and specified in the county plan. The method must give existing participants the highest priority; all intake of new participants must be halted before removing existing participants from the program. To the extent that resources permit, existing participants must be allowed to complete the activities identified in their contracts. Existing participants include teen parents who have participated in the Cal-Learn program, participants who are between GAIN activities, and those who have been deferred from program participation. While in cost reduction, a county may expend up to 45% of its GAIN funds to serve persons in county-identified target groups with the remaining funds used to serve members of the Federal target populations. A county must give first priority to exempt and nonexempt volunteers within any group targeted for service and may not give lesser priority to any group due to the estimated cost of supportive services for that group.

Data Collection

Manual of Policies and Procedures (MPP) Section 42-720.71 (m) now requires the collection of data regarding the number of licenses, certificates, and degrees obtained by participants and the number of these participants who subsequently obtain related employment. To facilitate consistency in the collection of this data, MPP Section 42-710.3 includes specific definitions for "license," "degree," and "certificate." The CDSS will develop and release necessary data collection instructions after consultation with the counties.

Participant Contracts

It is not necessary to sign a contract with the participant at appraisal if she/he is to be referred directly to assessment for development of an employment plan and assignment of activities.

Alternative Work Experience (AWEX)

The Aid to Families with Dependent Children (AFDC) Unemployed Parent Work Experience Component (UWEX) has been renamed Alternative Work Experience (AWEX) and is now available to participants in both AFDC-Unemployed Parent (AFDC-UP) and AFDC-Family Group (AFDC-FG) cases.

Participation Requirements

Up-front Job Search

Following appraisal, participants will participate for three weeks in job search services unless they meet specified exception criteria. This three-week period may be shortened or lengthened with the written agreement of the participant in the participant contract. A participant will not be required, but may be permitted, to participate in job search immediately after appraisal if she/he:

- o Is a custodial parent under age 20 who lacks a high school diploma or its equivalent;
- o Lacks skills needed to secure and retain entry level employment in the local labor market;
- o Lacks a high school diploma or its equivalent, wishes to participate in basic education, and has held but not retained two or more jobs in the two years prior to appraisal;
- o Is participating in an approved self-initiated program (SIP);
- o Has participated in a job search program during the six months prior to appraisal and the CWD determines additional job search services would not be beneficial; or
- o Is returning to the county's GAIN program within two years, has previously received appraisal and job search services only, and has held but not retained two or more jobs during the two-year period.

Employment Plans

Participation in job search as described above will be under a preliminary employment plan reflected in the participant contract signed at appraisal. Upon completion of job search or a determination that participation in job search is to be delayed, most participants are assigned to assessment for the development or amendment of their employment plans. Assessment is not required to develop employment plans for persons in approved SIPs or participants in AFDC-UP cases who are subject to the work activity requirements of MPP Section 42-775. The plan

will identify the services needed to achieve the participant's employment goal and will be reflected in the participant contract or an amendment to the participant contract.

Concurrent Participation

The CWD may require concurrent participation in assigned activities if appropriate to the participant's ability and consistent with the employment plan. For persons not subject to the 20-hour limit, combined hours of participation must not exceed 40 hours per week.

Adult Basic Education (ABE)

Persons who lack basic literacy, mathematics, or English language skills, or a high school diploma or its equivalent, must be assigned to participate in ABE as appropriate and necessary to achieve their employment goals. The county is no longer required to use testing instruments provided by CDSS to determine when participants are to be assigned to, or to exit from, ABE.

Two-Year Limit

Except for an ABE assignment, a participant cannot be assigned to a program component that exceeds two years (or two academic years for classroom education or training). This limit may be extended once for up to six months for the same reasons that a SIP may be extended under existing regulations, i.e., additional time needed for basic skills instruction, classes not offered in the necessary sequence, or a personal or family crisis. In addition, the two-year limit, including the limit on approved SIPs, may now be extended if the participant has worked at least 10 hours per week at the minimum wage for six calendar months or more while participating in the program.

Participation After Completion of the Employment Plan

When a participant successfully completes the activities identified in her/his employment plan but does not obtain unsubsidized employment, she/he will be assigned to job search services for a period not to exceed limits in MPP Section 42-730.27. These limits no longer permit the assignment of 90 days of job search upon completion of an activity.

If job search efforts are unsuccessful for a person whose employment plan was based on appraisal, she/he will be referred to assessment for development of an amended plan.

Reappraisal

If job search efforts are unsuccessful after completion of a post-assessment employment plan, the participant will be referred to reappraisal, where the CWD will determine if there are extenuating circumstances that require additional education or training to achieve his/her employment goal. If additional training or education is necessary, it will be assigned under an amended employment plan and contract. If extenuating circumstances do not exist, and until this determination is reversed, the participant must be assigned to Pre-Employment

Preparation (PREP) or AWEX along with job search services. A county that is in cost reduction may choose to limit participation in PREP or AWEX to one year.

AFDC-UP Participation

An AFDC-UP participant who is subject to the work activity requirements of MPP Section 42-775 may be required to participate concurrently in job search, education, or training activities. Concurrent assignments for these participants are subject to MPP Section 42-775.4 and may be made to the extent they do not conflict with required work activities.

Implementation

The new participation and program flow requirements described above apply to all new program participants on the effective date of the regulations. They will apply to existing participants when the terms of their current contracts have been met as required in MPP Section 42-771.

CWD/Provider Agreements for Education and Training Services

In order to receive funds allocated by the Superintendent of Public Instruction for education and training services to GAIN participants, such as Job Training Partnership Act 8% funds, service providers are now required to discuss and jointly certify agreement with the CWD on the delivery of these services.

Evaluation

An evaluation may be scheduled by the CWD at any time it suspects a learning or medical problem that may prevent a participant from successfully completing or benefiting from a current or proposed program assignment. Based on the evaluation results, the CWD may assign activities as specified in MPP Section 42-773.2.

Post-Employment Services

When a GAIN participant becomes eligible for exemption due to unsubsidized employment, the CWD may provide case management and supportive services for up to the first 90 days of employment. These services shall only be available if they are identified in the county plan, are not available from other sources, and are needed for the individual to retain the employment. Other sources include, but are not limited to, the Supplemental Child Care (SCC) and Transitional Child Care (TCC) programs. An employed individual may receive case management and supportive services regardless of his/her eligibility for AFDC. The CWD cannot continue to provide these services if the number of participants it is able to serve declines by 10 percent or more in any year after this option is implemented.

Exemptions and Deferrals

Employment Exemptions and Deferrals

To be exempt or deferred due to employment, the GAIN registrant must be earning at least the state or federal minimum wage, whichever is greater. This requirement does not apply during the first six months of self-employment or employment compensated by commission.

To qualify for an employment deferral, GAIN registrants must now be employed at least 15 hours per week and participating in other approved activities that are similar to GAIN activities (e.g., job search, education, training, work experience) for a combined total of 30 hours a week. The requirements for this deferral may be met by working at least 15 hours per week while participating in an education or training program on a half-time basis by the provider's standards. If deferral criteria are met by participation in an education or training program, the individual must be making satisfactory progress in a program that will provide a license, certificate, or degree and lead to employment.

If the CWD denies the deferral because the education or training program will not improve the registrant's employability, the registrant may continue in the program if she/he can provide specified documentation demonstrating that the program will lead to employment.

Self-Initiated Education/Training Program Deferral

In order to meet criteria for this deferral, the education or training program now must lead to employment and must be a program to earn a license, certificate, or degree. If the CWD denies the deferral because the program will not lead to employment, the participant may provide documentation to dispute that determination as described above.

Deferral for Drug or Alcohol Dependence

If provided in the county plan, a CWD may limit deferral of those who are dependent on drugs or alcohol to persons who will enter or actively seek access to substance abuse treatment. A registrant will qualify for this deferral if: she/he is on a waiting list for treatment, necessary child care services are not available, or there is no appropriate program to meet the registrant's needs. A person who refuses to pursue treatment and who subsequently fails or refuses to comply with GAIN participation requirements, will not have good cause for noncompliance based on drug or alcohol dependence.

Implementation

Following are instructions for applying the new requirements above to individuals who are still exempt or deferred under exemptions or deferrals granted prior to the January 26, 1996, effective date of these regulations:

- o Individuals who are exempt or deferred due to employment or drug/alcohol dependence should be notified of changes to these exemptions/deferrals as soon as possible. The mass informing notice TEMP 2114 entitled, "New Rules for GAIN Exemptions and Deferrals," is included with Attachment 5 and may be used for this purpose. It may be sent as a stuffer in a mailing to all AFDC recipients if it is not possible to send it only to individuals in exemptions/deferrals affected by the new rules it describes. The CWD should begin to apply the new requirements to these individuals during its regular exemption/deferral review process.

- o To avoid interruption of programs in progress, the new requirement that a deferral be approved only for self-initiated education or training programs that lead to employment should not be applied to existing deferrals granted prior to January 26, 1996. The deferral should only be discontinued if the registrant fails to meet deferral criteria in effect at the time the deferral was granted.

Conciliation and Sanction

Nonresponsive Participants

Mandatory participants who fail to comply with program requirements, do not respond to the cause determination appointment notice, and are determined to be without good cause for their noncompliance are sent a conciliation/sanction Notice of Action (NOA) imposing financial sanctions if the dispute is not resolved during a 20-calendar-day period of conciliation. For AFDC-UP cases, the CWD must issue the second parent informing notice identified in MPP Section 42-781.63 when the conciliation/sanction NOA is sent to a nonresponsive first parent. The conciliation/sanction NOA does not schedule a conciliation appointment. The nonresponsive individual must contact the county, which will work with the individual to schedule an appointment at which she/he may present good cause evidence or agree in writing on a conciliation plan. The appointment may be carried out by telephone. If a nonresponsive participant schedules a conciliation appointment, but fails to keep it, the CWD must attempt to contact the individual to determine why the appointment was not kept. If the participant does not respond to the CWD's contact effort and sign a conciliation plan, sanctions will take effect the first of the month following the 20-day conciliation period.

If, after receiving the conciliation/sanction NOA, a participant signs a conciliation plan, but fails without good cause to fulfill its terms, the CWD must issue an additional sanction NOA to ensure that timely notice requirements contained in Division 22 are met. However, only one instance of noncompliance will be counted against the participant.

Conciliation Plans

To fulfill the terms of a conciliation plan, a participant must either successfully complete the agreed upon assignment(s) or participate for three months, whichever is shorter. When a participant stops participating in or fails to regularly attend an approved SIP and a determination of no good cause is made, his/her conciliation plan shall require participation in job search services as specified in MPP Section 42-772.8.

Sanctions

A participant may be subject to conciliation and sanction for failing or refusing without good cause to provide required proof of satisfactory progress in an assigned program activity, which now includes an approved SIP. Those sanctioned for failing without good cause to participate in an approved SIP must participate in job search services in accordance with MPP Section 42-772.8 in order to end their sanction.

Application of New Requirements

Individuals who entered the cause determination process prior to January 26, 1996, continue to be subject to the conciliation and sanction regulations in effect prior to that date. Those entering the cause determination process after January 26 are subject to the new conciliation and sanction requirements. This includes individuals who failed to comply prior to January 26, 1996, but whose noncompliance was not discovered until a later date.

Formal Grievance Procedures

The CWD is no longer required to establish formal grievance procedures based on Unemployment Insurance Code Section 5302. Formal grievance procedures established by the County Board of Supervisors remain available but are not to be used by noncomplying individuals who have already failed to conciliate. A state hearing may be requested to appeal a program requirement under those circumstances.

Changes Requiring Federal Waivers

There are two provisions of AB 1371 and AB 1617 that are not being implemented now because they require federal waivers. These provisions: (1) permit a county to reimburse employers for PREP supervision costs; and (2) remove the 20-hour-per-week participation limit for participants responsible for care of children aged three through five. These provisions will become effective when CDSS obtains federal approval of the waivers and develops implementing regulations.

GAIN Notices, Contracts, Forms, and Guidebook

Attached Revisions

Attachments 3, 4, 5, and 6 contain reproducible copies of new and updated GAIN NOAs, participant contracts, forms, and an interim version of the GAIN Guidebook. The attached NOAs, contracts, forms, and Guidebook, where applicable, have been revised to comply with regulations that implement AB 1371 and AB 1617 requirements.

The new transportation and ancillary expenses supportive services NOAs and the new contract forms are based on revisions developed by the CDSS/County Welfare Directors Association (CWDA) Forms Work Group. Samples of the revised NOAs and forms were issued in the Governor's GAIN Advisory Council Forms Work Group Report dated October 1, 1995.

CWDs are required to use the NA BACK 7 with the sanction NOAs and the EP 5 with the transportation and supportive services NOAs and with certain GAIN forms identified in Attachment 5.

Implementation

CWDs are required to begin using the new NOAs, contracts, forms, and GAIN Guidebook as soon as administratively possible. CWDs should discontinue using obsolete NOAs, contracts, forms, and GAIN Guidebook identified in the appropriate attachments, as well as any other unlisted revisions.

Camera-ready Copies

Counties may obtain camera-ready copies of the English and/or Spanish* versions of the attached NOAs, contracts, and forms by calling or writing:

CDSS Forms Management Unit
744 P Street, MS 7-182
Sacramento, CA 95814
(916) 657-1907/ATSS 437-1907

Counties may obtain camera-ready copies of the attached NOAs, contracts, and forms upon translation into the four standard Asian languages by calling or writing:

CDSS Language Services Bureau
744 P Street, MS 9-024
Sacramento, CA 95814
(916) 654-1282/ATSS 464-1282

GAIN Guidebook

Counties should reproduce an adequate supply of the interim GAIN Guidebook, included in Attachment 6, until the permanent version is published. Camera-ready copies of the interim GAIN Guidebook will not be available from CDSS. Also, due to the amount of time required to translate a publication of this size, the interim GAIN Guidebook will only be available in English.

Although we are expediting the publication process, we anticipate that it will be approximately eight weeks before the permanent GAIN Guidebook will be available for ordering through the CDSS Warehouse. Counties will be advised of the availability of the permanent GAIN Guidebook via a Notice of Form Change (GEN 127). As with previous editions of the GAIN Guidebook, both the English and Spanish versions will be stocked in the CDSS Warehouse. Counties will be able to order camera-ready copies of the Asian language translations of the permanent GAIN Guidebook from the Language Services Bureau, at the address and phone number listed above.

Repeal Section 42-600 to read:

42/600 INTRODUCTION TO THE WORK INCENTIVE DEMONSTRATION
PROGRAM (WIN DEMO)

42/600

HANDBOOK BEGINS HERE

11 Background

The Work Incentive Program (WIN) was created by the 1967 amendments to the Social Security Act (Title IV, Part C) approved January 21, 1968, as Public Law 90-243 to provide for training and employment of AFDC recipients. The training and employment aspects of the program were managed by the U.S. Department of Labor through state departments of employment. The primary focus of the program was to remove barriers to employment of AFDC+U parents by providing required supportive services to permit training necessary to secure employment.

In 1971, the Social Security Act was amended (Talmadge Amendments approved December 28, 1971, Public Law 92-223) to shift the focus of WIN from job training to achievement of immediate employment of AFDC recipients. Program responsibilities were divided between field offices of the State Employment Development Department (EDD) (registration, appraisal, placement, and job services) and county welfare departments (CWD) (referrals, exemptions, grant actions, appraisals, certifications, and supportive services).

In 1981, the Social Security Act was again amended (Public Law 97-35, Section 443 of SSA (42 USC 643)) to provide for a WIN Demonstration program as an alternative to the regular WIN program. The purpose of this alternative is to permit states to demonstrate the effectiveness and advantages of WIN program administration by a single agency, the state welfare agency. In 1984, the State Department of Social Services (SDSS) received federal approval for implementation of the WIN Demo program in California for a three-year period. AB 851 (Chapter 522, Statutes of 1984) is the state enabling legislation which added Article 3.8 Work Incentive Demonstrative program, Welfare and Institutions Code Section 11347, to state law.

12 Program Requirements

Requirements for exemptions and sanctions of the regular WIN program remain in effect under WIN Demo. The major changes resulting from the implementation of the WIN Demo program are as follows:

- 121 Federal funding comes directly to SDSS rather than EDD.
- 122 Program administration and reporting responsibilities shift from EDD to SDSS.
- 123 SDSS contracts with EDD to provide employment and training services such as employment search activities, job placement and referral to other appropriate employment and training services.

- 124 The CWD is responsible for some of the operational activities formerly done by EDD staff. These activities include registration/ selection for EDD participation/ follow-up on registrants not under EDD supervision and deregistration/
- 125 Supportive services are arranged for or provided by the CWD before selected registrants report to EDD for employment search activities/
- 126 Both CWD and EDD staff handle cause determinations and conciliation depending on which agency is responsible for the recipient's WIN participation at the time of the failure to cooperate/
- 127 All WIN Demo appeals are conducted by SDSS through the state hearing system/

HANDBOOK ENDS HERE

13 Definitions Used in This Chapter

- 1a) "Certification" means the CWD worker has determined that supportive services are not necessary or have been provided or arranged for in order for the registrant to participate in EDD employment search activities and components/ Certification is documented on the form referring the registrant to EDD or by any other notation in the WIN Demo record which is available to both EDD and CWD/
- 1b) "Component" means a structured/ regularly scheduled EDD/supervised employment activity for registrants such as OJT/ institutional training/ and work experience/ but not employment search activities/
- 1c) "Conciliation" means a process through which a recipient who has failed or refused to cooperate/ without good cause/ is given a second opportunity to cooperate with WIN Demo requirements/ The WIN Demo staff must exhaust efforts to resolve disputes between the staff and the registrant who is refusing to participate in the program without good cause/
- 1d) "Cause Determination" means a decision by CWD or EDD staff as to whether a registrant had an acceptable reason for refusal or failure to cooperate with WIN Demo requirements/
- 1e) "Deferred Registrant" means a registrant who is not selected by the CWD for EDD employment search activities in accordance with deferral criteria/
- 1f) "Deregistration" means the removal of an individual from WIN Demo/
- 1g) "Employability Plan" means a written plan which sets forth the registrant's occupational goal and the activities the individual must engage in to achieve that goal/

- (W) "Employment Development Department" is the state agency responsible for providing employment and training services to AFDC applicants and recipients. EDD WIN Demo staff provide registrants with employment search activities, job placement and referral to other appropriate employment and training services. EDD Job Services (JS) staff register non-WIN applicants and recipients and provide placement services.
- (Y) "Employment Search Activities (ESA)" means structured job search activities for registrants which include: (1) training provided individually or in groups (job search workshops) in the skills necessary to look for, obtain and keep unsubsidized employment; and (2) an EDD-supervised job search.
- (Y) "Exempt" means that an AFDC applicant or recipient is not required to be registered for the WIN Demo program as a condition of eligibility.
- (Y) "Institutional Training" means vocational or other classroom training conducted by an instructor in a nonworksite setting.
- (Y) "On-The-Job-Training (OJT)" means a component in which a registrant receives skills training. The registrant is hired by an employer and provided job skill training under contract with the employer.
- (W) "Purchased Services" means supportive services which are arranged and paid for by the CWD using WIN Demo supportive services funds.
- (Y) "Registrant" means an AFDC applicant or recipient who is registered for WIN Demo.
- (Y) "Registration" means that individuals who are nonexempt or who volunteer are registered for WIN Demo.
- (Y) "Sanctions" means the discontinuance of aid for a registrant, and sometimes the entire assistance unit, when the registrant fails or refuses to cooperate without good cause.
- (Y) "Staff Services" means those supportive services provided directly by CWD staff, including counseling, family planning, and staff time spent in arranging for the purchase of necessary services.
- (Y) "Subsidized Employment" means an assignment in which the registrant's employer is reimbursed for wages, supervision, and training costs.
- (Y) "Supportive Services" means those staff and purchased services which are provided or arranged for by the CWD worker to enable a registrant to participate in employment search activities and components.
- (Y) "Training Related Expenses (TRE)" means those expenses paid by EDD to registrants participating in employment search activities and certain components.

- (U) "Unsubsidized Employment" means all employment other than subsidized employment.
- (U) "Voluntary" means an AFDC applicant or recipient who, though exempt from registration, voluntarily participates in WIA Demo.
- (U) "Work Experience Training" means a clearly defined, well-supervised assignment with a public or nonprofit employer which assists the registrant to develop basic work habits, practice skills and acquire on the job experience.

Repeal Section 42-625 to read:

42-625 WIN DEMO REGISTRATION AS A CONDITION OF AFDC
ELIGIBILITY

42-625

11 The following individuals are automatically registered for WIN Demo/

111 Nonexempt applicants and recipients/

112 Nonexempt essential persons/

HANDBOOK BEGINS HERE

See MPP 44-209/3/

HANDBOOK ENDS HERE

113 Principal earners who are excluded from the assistance unit/

114 Principal earners/ when the assistance unit will not be federally eligible on the beginning date of aid solely because the principal earner has not been unemployed for 30 days/

115 Exempt individuals who volunteer to participate/

12 An individual in the AFDC assistance unit shall be exempt from WIN Demo when he/she meets any of the criteria specified in 42-631 through 42-641/

121 The principal earner who is exempt from WIN Demo registration due to remoteness shall register with EDD/JS/ If the principal earner is exempt from WIN Demo registration due to reasons other than remoteness/ he/she is not required to be registered with WIN Demo or EDD/JS/

122 The principal earner who is under 18 or is a 18+ through 18+ year-old full-time student is not exempt under Section 42-631 or 42-632/

13 Exempt individuals shall have the option to participate in WIN Demo on a voluntary basis/

131 A previously exempt recipient who changes to nonexempt status is automatically registered/

14 Applicants for AFDC who are granted aid under the Refugee Demonstration Project in lieu of AFDC/ pursuant to MPP Section 40-123/6/ shall have the same registration requirements as other applicants for AFDC/ such individual shall remain registered upon transfer to the AFDC program/

- 15 Registered AFDC recipients who are transferred to the Refugee Demonstration Project pursuant to MPP Section 407 185/3 shall remain registered while receiving aid under the Refugee Demonstration Project and shall remain registered upon transfer to the AFDC program.
- 16 The QWP shall maintain records designating those individuals who are registered.

HANDBOOK BEGINS HERE

- 161 The records may include miscellaneous documents such as progress notes, a listing of registrant(s), a copy of the rights and responsibilities form, or other tracking methods such as computer files.

HANDBOOK ENDS HERE

- 162 The QWP shall report data collected in accordance with SPSS reporting requirements.

Repeal Section 42-645 to read:

42-645 RECONSIDERATION OF EXEMPTION OR NONEXEMPTION

42-645

/1 In reconsidering exempt or nonexempt status/ the CWD shall/

/11 Notify an individual who changes from exempt to nonexempt that he/she is registered for WIN Demo/ The CWD shall/

/111 Send a rights and responsibilities form as specified in Section 42-630/

/112 Determine if the individual should be deferred from or selected for WIN Demo employment activities/ Refer to Section 42-660/

/12 Review a determination that an individual is nonexempt whenever there is a change in the individual's circumstances indicating a possible exemption/

/121 If a registered principal earner becomes exempt due to remoteness/ he/she shall be notified to register with EDD/JS/

/13 Review a determination of nonexemption if the individual does not agree with the determination/

/131 Advise the individual of the right to a state hearing when the CWD has determined there is no basis for an exemption and the individual is dissatisfied with the nonexempt determination/

Repeal Section 42-650 to read:

42-650 WIN DEMO RIGHTS AND RESPONSIBILITIES

42-650

- 11 The CWD shall advise nonexempt individuals and volunteers that they are registered for WIN Demo.
- 12 The CWD shall verbally and in writing:
 - 121 Describe the WIN Demo program including the role of the Employment Development Department for job search activities and placement.
 - 122 Inform nonexempt registrants of the following rights and responsibilities:
 - 1221 The sanctions for failure or refusal to participate in the program (refer to 42-6911).
 - 1222 Their right to the good cause/conciliation process.
 - 1223 The right to a state hearing to contest the reduction or discontinuance of AFDC benefits due to the failure or refusal to participate in WIN Demo.
 - 123 Inform volunteer registrants of their right to withdraw from WIN Demo without loss of AFDC benefits.
 - 1231 Exempt individuals shall be advised to report any changes affecting their exempt status to the CWD.

Repeal Section 42-660 to read:

42/660 SELECTION FOR PARTICIPATION IN EMPLOYMENT
ACTIVITIES

42/660

- 11 The CWD shall determine whether the registrant will participate or be deferred from WIN Demo employment activities conducted by EDD/

HANDBOOK BEGINS HERE

- 111 A Services Assessment form completed by the registrant may be used to reach this decision/

HANDBOOK ENDS HERE

- 12 A caretaker relative who is enrolled in school for at least 12 units of credit and has a child under age six/ shall be considered unavailable for WIN Demo participation/

- 13 Other registrants shall be deferred from WIN Demo participation upon a determination made by the CWD/

HANDBOOK BEGINS HERE

Registrants who should be deferred include those who/

- 1a) Are so seriously dependent upon alcohol or drugs that work or training is precluded/
- 1b) Have an emotional or mental problem that precludes participation/
- 1c) Are involved in legal difficulties (such as court mandated appearances) which preclude participation/
- 1d) Do not have the legal right to work in the United States/
- 1e) Have a severe family crisis/
- 1f) Are in good standing in a union which controls referrals and hiring in the occupation/
- 1g) Are involved in an unresolved trade dispute/
- 1h) Require purchased services that are unavailable in the county/
- 1i) Are temporarily laid off from a job/
- 1j) Are excluded principal earners/
- 1k) Are in the last semester of training or the final four months of training if the school does not operate on a semester basis/

(1Y) Are employed 15+30 hours per week/

(1W) Are participating in acceptable self-initiated training programs which are not in the last semester or final four months of training/ but meet certain criteria/

(1Y) The CWD shall defer the registrant if all the following criteria are met for acceptable self-initiated training/

(1aY) The registrant has not worked in the past 18 months/

(1bY) The course of study will be completed within one year/

(1cY) The course of study requires participation of at least 12 hours per week/

(1dY) The registrant has paid fees which would be forfeited if the course were dropped/

(1eY) This is the first vocational training the registrant has had in the past 18 months/

(1Y) If any of the above criteria are not met/ the CWD shall refer the registrant to EDD for evaluation/ EDD will decide if the self-initiated training is acceptable and advise the CWD of the decision/

(1aY) If EDD determines that the training is acceptable/ the individual shall be deferred from EDD employment activities/

(1bY) If EDD determines that the training is not acceptable/ the registrant should be advised of such by the CWD and referred to EDD for employment activities/

HANDBOOK ENDS HERE

14 If the registrant is not selected for EDD WIN Demo participation/ the CWD shall document the reason for the deferral in the case record/ Refer to Section 42+883 for follow-up procedures/

15 If the registrant is selected for EDD WIN Demo participation/

151 The CWD worker shall determine if the registrant requires supportive services in order to participate in the program/ Refer to Section 42+880 for available supportive services/

HANDBOOK BEGINS HERE

/311 This decision may be reached after review of the registrant's completed Services Assessment Form/ and verification of the information/

HANDBOOK ENDS HERE

/32 If the registrant requires supportive services such services shall be arranged for or provided prior to referral to EDD/

/321 Document the services in the WIN Demo case record/

/33 The registrant shall be referred to EDD according to procedures established between the CWD and EDD/ Such procedures shall be consistent with the SDSS/EDD Interagency Agreement for employment services/

Repeal Section 42-675 to read:

42-675 PROVISION OF SUPPORTIVE SERVICES

42-675

11 General

111 The CWD provides or arranges for supportive services for WIN Demo registrants and their families/ when such services are necessary to enable the registrant to accept employment or participate in the WIN Demo Program/

Subject to further limitations/ registrants can be/

1111 Certified or uncertified AFDC applicants/ or

1112 Certified or uncertified AFDC recipients/ or

1113 Former AFDC recipients discontinued from aid due to employment/

112 The supportive services described in Section 42-680 are provided either in the form of staff services or purchased services subject to the conditions and limitations specified in 12 and 13 below/

12 Staff Services

121 Staff services include any of the services outlined in Section 42-680 as well as the staff time spent in arranging for purchased services or services to be provided from other sources/

122 Staff services shall be made available to former recipients discontinued from aid due to employment for a maximum of 90 days after the date of discontinuance/

13 Purchased Services

131 Purchased services are services arranged by the CWD worker/ but not actually provided by the CWD/ Purchased services are paid for from WIN Demo funds/

132 Purchased services may be provided for up to two weeks between participation in components or between participation in a component of employment-related activities and the start of employment in order to avoid interruption of the employability process/

133 Purchased services shall be provided only when required to enable the registrant to accept employment/ and to participate in employment-related activities and components/

134 Duration of Purchased Services

Purchased services for an applicant cease when AFDC is denied/ Purchased services for a recipient are limited to/

1341 Individuals in OJT components/

- (a) When an individual enters an OJT component necessary purchased services shall continue for a period of 30 days after the start of subsidized employment/
- (b) When the CWP worker determines it is necessary to enable the registrant to remain in the OJT component/ the continuation of such services may be authorized for an additional 30 days/
- (c) Discontinued recipients shall be eligible only if AFDC benefits have been discontinued due to employment/

1342 Individuals who enter unsubsidized employment/

- (a) Necessary purchased services shall continue for 30 days to an individual who enters unsubsidized employment/ It is not required that the services be purchased from supportive service funds if other sources are available/ however/
- (b) Purchased services may continue for an additional 30 days at the discretion of the worker when necessary to enable the registrant to remain employed/
- (c) Such services may continue for discontinued recipients only if the AFDC grant has been discontinued due to employment/

135 Purchased services for working registrants/

1351 In special circumstances/ working registrants who are not currently receiving purchased services may be provided day care services/ Such services are limited as follows/

- (a) There has been a breakdown in day care due to unforeseeable circumstances/ Changes in day care arrangements which can be anticipated/ such as the end of the school year/ are not considered exceptional circumstances/ and
- (b) The failure to provide the day care would result in the loss of existing employment/ and
- (c) Provision of day care would enable the registrant to continue employment/ and
- (d) The services are not available on a timely basis from any other source/

- 1332 Under special circumstances purchased services other than day care may also be provided/
- 1333 Provision of the purchased services under this section is limited to a maximum of 30 days/
- 1334 This service may not be used as a means of automatically extending the usual duration of purchased services/

14 Services from Other Sources

- 141 At times/ the registrant or a member of his/her family may require services which cannot be paid for from supportive services funds or which cannot be provided by the CWD worker/ In such instances/ the CWD worker should make every effort to arrange for such services to be provided from other service programs/

Repeal Section 42-680 to read:

42/680 MANDATED SUPPORTIVE SERVICES

42/680

Supportive services are social services provided to WIN Demo registrants necessary to enable the registrant to accept employment or participate in WIN Demo/ including such services as are necessary to remove or reduce barriers to employment/ Mandated services to be provided include/ day care/ family planning/ counseling/ employment-related medical and remedial care/ and selected vocational rehabilitation services/

11 Child Day Care Services

111 Definition/ Child day care is the comprehensive and coordinated sets of activities providing direct care and protection of infants/ preschool and school age children during a portion of a 24-hour day inside or outside of the child's own home/

112 Child Day Care Standards

Child day care arrangements provided through WIN Demo must meet the same standards as are required under Title 22/ California Administrative Code (CAC)/ Division 8/ Chapter 2 (commencing with Section 81000) and Chapter 8/3 (commencing with Section 88001)/

113 Child Day Care Plans

A child day care plan is a written agreement between the CWD/ the provider/ and the registrant which comprehensively describes for whom and under what specific circumstances child day care will be provided/

1131 There shall be a written plan for each registrant who receives child day care funded by WIN Demo/ This plan will include the following information/

(a) The name/ address/ and case number of the registrant/

(b) Case name/ if different from the above/

(c) Date the plan is initiated/

(d) Name/ birthdate/ and sex of child(ren) for whom care is being provided/

(e) The component or activity in which the registrant will participate/

(f) The duration of the component or activity (beginning and ending dates)/

(g) The type of care being provided/ i.e./ in home/ family day care/ group day care/ or day care center/

- (NY) Beginning and ending dates of provision of care/
 - (LY) Number of hours of care/ e/g/ 7:30 a/m/ to 3:30 p/m/ including normal transportation time/ These hours shall include one hour before and one hour after school/ if necessary/
 - (LY) Total number of hours per week/
 - (KY) Name and address of provider/
 - (LY) Signatures of the CWD worker/ the registrant/ and the provider/
 - (MY) Rate of pay per hour/ week or month/
 - (NY) Conditions under which provider will be paid or not paid for absences/
- /132 The CWD worker's signature on the child day care plan authorizes expenditure of WIN Demo child day care funds/
- (ay) The CWD worker shall explain to the registrant the type of day care available/ the suitability of each type of care in relation to the needs of the child/ the importance of stability and continuity of care/ the length of time WIN Demofunded day care payments can continue/ and the availability of other day care after WIN Demofunded care ends/
 - (by) The registrant should be involved in the development of a suitable day care plan which may include plans for emergency or interim care as well as for long-term/ stable day care/
- /133 If there is more than one type of day care available/ the mother or other caretaker relative shall be permitted to choose among them/
- /134 A registrant cannot refuse the available care unless he/she can arrange for other day care which is no more expensive/
- /135 In the case of day care provided at no cost to the WIN Demo program/ the CWD worker should discuss the care arrangement with the registrant to determine its potential stability and suitability/ Each case folder should contain documentation confirming that the client has obtained his or her own suitable day care/ Such documentation may consist of the CWD worker's narrative report in the case record/

HANDBOOK BEGINS HERE

- (d) The CWP worker should explain the advisability of obtaining child care consistent with the requirements of Title 22/ California Administrative Code/

HANDBOOK ENDS HERE

- /136 As part of the planning process/ the worker should stress the importance of the registrant's informing the CWP worker immediately if the day care plan breaks down/

/14 Criteria for Child Day Care Plans

In developing plans for suitable day care services/ the following factors should be considered/

- /141 Accessibility to the child's home and school/

- /142 Convenience for the registrant and suitability of the hours of the day care with respect to the registrant's schedule/ and

- /143 Appropriateness of the plan to the age and special needs of the child/

/15 Emergency Day Care Services

- /151 The CWP worker shall provide or arrange for temporary/ emergency day care services when (1) no immediate and permanent arrangement is possible/ or (2) care is needed for a short-term period/ or (3) an emergency situation arises/ disrupting the established day care plan/ such as the illness of the provider or child or the unavoidable absence of the provider/

- /152 Emergency care is not a substitute for long-term care/ It should be provided only until a permanent day care plan can be established or the regular plan can be resumed/ If possible/ no child should be placed in an emergency care arrangement for more than ten continuous days at any one time/ During this period/ permanent day care arrangements should be developed/

- /153 Emergency day care arrangements should meet the same standards as regular day care arrangements/

/16 Child Day Care Costs

- /161 If a registrant declines to accept day care services arranged by the CWP worker and prefers to make other arrangements/ supportive service funds may be used to pay for the alternative day care if it will not be more costly and meets the standards of Section 42/ 680/12/

1162 ALL child day care costs for participants are paid from WIN Demo child day care funds following the limitations set forth in Section 42-673/33. Such costs shall be paid on the basis of a monthly claim submitted by the registrant or by the provider to the county welfare department. This claim shall be signed by both the registrant and the provider. The payment shall not exceed those agreed upon in the child day care plan and, upon receipt of the expense claim, shall be adjusted to meet the actual allowable expense incurred.

HANDBOOK BEGINS HERE

1163 The Standard Training Related Expenses (TRE) paid by EDD include the cost of transportation to and from day care locations.

HANDBOOK ENDS HERE

1164 WIN Demo will pay for child care when the child is temporarily absent from care if it is agreed upon in the child day care plan. Payment may be made for temporary absences for only the following verified reasons:

(a) illness or quarantine of the child;

(b) illness or quarantine of the parent;

(c) family emergency; and

(d) court ordered visits with a parent or other relative by the child.

117 Child Care Provided by State Department of Education (SDE) Contract Centers

1171 WIN Demo child day care funds are used to pay for WIN children's care in SDE Contract Centers that meet standards under Title 22, California Administrative Code (CAC), Division 6, Chapter 2 (commencing with Section 81000) and Chapter 8.5 (commencing with Section 88001).

1172 The SDE Center must be notified that the day care is paid for by WIN Demo funds and how long WIN Demo will pay for such care. Submitting a copy of the child day care plan will accomplish this purpose. If the parent drops out of or completes the component, the center must be notified so that it will not continue to bill WIN Demo for child care.

1173 The rates in SDE Centers are the actual program costs of the center. The maximum reimbursement rate is reflected in the State Budget Act.

WIN Demo counties are required to pay the maximum reimbursement rate of actual operating costs/ whichever is less/ for WIN Demo children in SDE centers/

12 Family Planning Services

121 Definition/ Family planning services include counseling/ educational/ and medical services (including diagnosis/ treatment/ drugs/ supplies/ services/ and related counseling furnished/ prescribed by/ or under the supervision of a physician/ to enable appropriate individuals of childbearing age (including minors/ to voluntarily limit their family size or to space their children/

122 Provision of Service

1221 Acceptance of family planning services is completely voluntary/ Acceptance may not be a prerequisite of/ or an impediment to/ eligibility for any other service or required as a condition of eligibility for AFDC/

1222 The CWP worker shall inform registrants that family planning services are available to all members of the family group/

1223 When family planning services are desired/ the CWP shall arrange for the service or refer the individual to the appropriate agency to receive the service/ The CWP worker shall advise the registrant that family planning services may be obtained from a physician of the registrant's choice/

123 Available Resources

The Medical Program is the primary resource for family planning services for registrants/ However/ if the individual is not eligible for Medical/ WIN supportive services funds can be used for the purchase of the service/

13 Counseling

131 Definition/ Counseling is a process in which the registrant or a member of the family is assisted in improving individual or family functioning or resolving an identified problem in order to accept or retain employment/ Through the counseling process/ the registrant is assisted in the resolution of problems that may interfere with employability/

132 Provision of Counseling

Counseling activities should be coordinated closely with EDP to avoid disruption of scheduled employment or training activities/

133 Areas of Counseling

1331 Counseling may include:

- (a) The requirements of the WIN Demo Program;
- (b) personal and family relationships involving adjustments in personal and family life styles;
- (c) home management/ This may include instruction and training in household budget planning/ maintenance and care of the home/ food and nutrition/ and consumer education/
- (d) housing improvement/ This service may involve referral to public housing or other housing resources/ reporting housing code violations and taking steps to have these corrected/
- (e) information and referral to other service programs/ such as child protective services/ to family guidance clinics/ educational and medical facilities/ legal aid/ and other service agencies/

14 Employment-Related Medical and Remedial Care and Health Related Services

141 Definition/ Employment-related medical and remedial care and health related services consist of counseling on health care matters and resources/ and assistance in obtaining/ as well as purchasing/ medical care and services directed toward overcoming physical and emotional health problems likely to jeopardize or limit the employability of an individual who otherwise has the potential for work/

142 Provision of Services.

1421 The need for such services is determined by the CWP worker at the time of the supportive services interview or possibly through a health/ screening interview/ If the need for a medical examination is indicated in order to determine whether the individual needs employment-related health services/ the CWP worker shall arrange for such an examination/ The medical becomes the basis for the CWP worker's decision as to the employment-related medical services to be provided/

This medical examination is not to be confused with the medical examination done in order to establish an exemption although it can be used as the basis for determining the need for employment-related medical services/ If the CWP worker believes a nonexempt individual may be exempt from registration/ the CWP shall redetermine the registrant's nonexemption/

1422 Any necessary remedial care or medical treatment should be provided promptly and by qualified professionals/

143 Available Resources

Employment-related medical and remedial care and health care services may be provided with supportive service funds only when such services are not available under medical or are not otherwise available through the Veterans Administration/ Vocational Rehabilitation/ Public Health Service/ Maternal and Child Health Service/ and State and local health programs/

15 Selected Vocational Rehabilitation Services

151 Definition/ Vocational Rehabilitation services are therapeutic and restorative services to correct or substantially improve a physical or mental condition which may be a barrier to employment/

152 Such services may be purchased with supportive service funds only when they are not available through the vocational rehabilitation agency and when there is reasonable expectation that such services will enable the individual to engage in unsubsidized employment/

Repeal Section 42-682 to read:

42-682 OPTIONAL SUPPORTIVE SERVICES

42-682

The CWD may provide transportation as a special non-recurring supportive service. The CWD exercise of the option is based upon local needs, priorities, and the availability of funds.

11 Transportation Services

- 111 Definition. Transportation is the conveying of a registrant from one place to another when mobility is necessary to enable the registrant to receive mandated supportive services other than child day care.
- 112 Transportation may be provided or purchased only when no other means is available.

Repeal Section 42-685 to read:

42-685 CWD RESPONSIBILITY FOR REGISTRANT SUPERVISION

42-685

11 CWD Responsibilities

111 The CWD is responsible for registrants who are not assigned to EDD. This group includes recipients who are failing or refusing to cooperate with the CWD, deferred registrants, and registrants returned to CWD by EDD.

1111 Registrants returned to CWD by EDD include those whom EDD determines should be exempt or deferred, and registrants who are unsuccessful in finding work after EDD participation or who are unable to participate through no fault of their own.

HANDBOOK BEGINS HERE

112 Recipients who fail or refuse to cooperate are subject to cause determination and conciliation procedures detailed in 42-688.

HANDBOOK ENDS HERE

113 The CWD shall:

1131 Reconsider recipients for referral to EDD at the annual eligibility redetermination or more frequently if necessary.

1132 Refer recipients to EDD if barriers precluding participation are removed or if the basis for exemption or deferral no longer exists.

1133 Determine which registrants have entered employment and remained employed for at least 30 days.

114 The CWD shall report data collected pursuant to Section 42-685/133 in accordance with SDSS statistical reporting requirements.

Repeal Section 42-686 to read:

42-686 REGISTRANT STATUS CHANGE NOTIFICATIONS

42-686

/1 REGISTRANT STATUS CHANGE NOTIFICATIONS

/11 The CWD shall notify EDD of any welfare decision which may affect the status of a registrant assigned to EDD. Such notification shall be provided when the recipient/

/111 Is discontinued from welfare/

/112 Obtains full-time employment/

/113 Loses full-time employment/

/114 Becomes exempt and does not wish to volunteer/

HANDBOOK BEGINS HERE

/12 EDD will notify the CWD when a registrant/

/121 Who is nonexempt should have been exempted or deferred and the individual's case needs to be reviewed. The notification shall state the reason for the request/

a/ EDD may refer the individual back to the CWD if unable to work with the recipient/

/122 Has been evaluated for self-initiated training and the outcome of the evaluation/

/123 Needs supportive services in order to continue participation (i.e., change in child care, counseling)/

/124 Is unable to benefit from participation (through no fault of the recipient) and is returned to the CWD/

/125 Is unsuccessful in finding work after participation and is returned to the CWD/

/126 Failed or refused to participate without good cause. The notice shall state the reason for the decision/

/127 Enters employment/

HANDBOOK ENDS HERE

Repeal Section 42-688 to read:

42-688 CAUSE DETERMINATIONS AND CONCILIATION

42-688

11 General

A recipient may fail or refuse to cooperate in the WIN Demo program as required. The failure or refusal to cooperate requires that a cause determination be made by either CWD or EDD staff, depending upon which agency is responsible for the recipient at the time of noncooperation. If the recipient is found to be without good cause for noncooperation, the staff must conciliate any dispute before the Notice of Action is issued. Good cause and conciliation requirements are the same for both EDD and the CWD.

12 Noncooperative Actions

121 The CWD shall conduct a cause determination when a nonexempt recipient:

1211 Fails or refuses to appear for a supportive service/EDD selection interview, or

1212 Refuses supportive services necessary for participation in the program.

122 The CWD shall conduct a cause determination when a nonexempt certified recipient:

1221 Refuses supportive services necessary for participation in the program.

1222 Fails to report to EDD as directed by the CWD.

1223 Fails or refuses to respond to a request to appear for an appointment.

123 The recipient principal earner who is a mandatory WIN Demo registrant shall not fail or refuse, without good cause, to participate in the WIN Demo program as required. Also, the recipient principal earner shall not, without good cause:

1231 Terminate existing employment.

1232 Refuse employment.

1233 Reduce existing earnings.

HANDBOOK BEGINS HERE

124 EDD will conduct a cause determination when a certified recipient under EDD supervision:

1241 Fails or refuses to actively engage in employment-related activities.

- 1242 Fails or refuses to accept a job referral or appear for a job interview when the referral is made by EDD and the job meets appropriate work criteria and the goal of the employability plan/
- 1243 Fails or refuses to report to appropriate employment after hire/
- 1244 Fails or refuses to accept an assignment to suitable training/
- 1245 Fails or refuses to attend classes or to participate in other activities that are consistent with the EDD employability plan/
- 1246 Seriously disrupts an employment activity or behaves in a manner that constitutes a threat or hazard to staff or fellow participants/
- 1247 Fails or refuses to respond to a request to appear for an appointment/
- 1248 Voluntarily reduces earnings/ or
- 1249 Obtains a job while under EDD supervision and quits or is discharged for misconduct within 90 days of starting that job/

HANDBOOK ENDS HERE

13 Good Cause Criteria

- 131 The recipient may have good cause for not cooperating/ Good cause criteria include/
 - 1311 Illness or incapacity/
 - 1312 Court-required appearances or temporary incarceration/
 - 1313 Family crisis or sudden change of individual or family circumstances/
 - 1314 Breakdown in transportation arrangements with no readily accessible alternative means of transportation/
 - 1315 Inclement weather which prevented the recipient and other persons similarly situated from traveling to or participating in the prescribed activity/
 - 1316 Breakdown in child care arrangement/
 - 1317 Lack of other supportive services necessary for participation/ or
 - 1318 Refusal to accept major medical services even if such refusal precludes participation in the program/
 - 1319 Other substantial and compelling reasons/

14 Cause Determination/Conciliation Interview

- 141 The CWP shall give the recipient an opportunity to explain why he/she refused or failed to cooperate/
- 142 The CWP shall send a noncooperation appointment notice for the recipient to meet with agency staff within 10 days of noncooperation to discuss the action/
- 1421 The notice shall contain the following information/
- 1a) A statement that the appointment is to determine if the recipient had good cause for not cooperating/
 - 1b) The recipient's noncooperative action/
 - 1c) A statement that the recipient has the right to provide an explanation of his/her failure or refusal to cooperate/
 - 1d) The right to conciliate a determination where there was no good cause/
 - 1e) A proposed conciliation plan/
 - 1f) The right to offer a counter-proposal towards conciliatory resolution/
 - 1g) The names and addresses of the local legal services office and welfare rights office/ if any/ to assist with conciliation/ and
 - 1h) The consequences of failing to keep the appointment/
- 143 If the recipient contacts the worker prior to the interview to request rescheduling/ the interview shall be rescheduled/
- 144 If the recipient does not keep the appointment for the determination/ conciliation interview and has not contacted the CWP/ the worker shall make a cause determination from available information/
- 1441 The CWP shall document the decision for inclusion on the Notice of Action/
- 145 If the recipient keeps the appointment for the cause determination/ conciliation interview and the decision is that the recipient has good cause for the action/ the recipient shall remain registered/
- 1451 The CWP shall document the decision in the case record/
- 146 If the recipient keeps the appointment for the cause determination/ conciliation interview and the decision is that the recipient is without good cause/ the recipient has the right to conciliation//
- 1461 The CWP shall document the decision in the case record/

13 Conciliation

- 131 Conciliation is a period of up to 30 calendar days during which the worker tries to resolve the recipient's failure to cooperate/
- 1311 The conciliation begins either on the date of the cause determination/conciliation appointment or ten days following the failure to cooperate/ whichever occurs first/
- 132 The recipient's rights and responsibilities shall be explained and he/she shall be informed of the consequences of continued failure to cooperate/
- 133 Conciliation may be terminated sooner by either the CWD or by the recipient's written request if at any time it is apparent to either that the dispute cannot be resolved/
- 1331 The CWD may end the conciliation early if it is apparent that the recipient will not cooperate (e/g/ continues to refuse supportive services/ to report to EDW or otherwise demonstrates unwillingness to cooperate)/
- 1332 The CWD shall inform the recipient of the right to terminate the conciliation and to receive assistance from the CWD in preparing the written request/
- 134 The CWD shall develop a written conciliation plan specifying the actions the recipient shall take to demonstrate cooperation with WIN Demo requirements/
- 1341 The recipient has the right to propose an alternate conciliation plan/ However/ the CWD shall make the final decision regarding the terms of the plan/
- 1342 The CWD shall give a copy of the plan to the recipient/
- 135 If the recipient follows the terms of the conciliation plan/ he/she shall continue in WIN Demo/
- 1351 The CWD shall notify the recipient in writing of the successful completion of conciliation/
- 136 If the recipient does not follow the terms of the conciliation plan/ the CWD shall impose sanctions pursuant to 42+691/

Repeal Section 42-691 to read:

42-691 DEREGISTRATION AND SANCTIONS

42-691

11 Deregistration

- 111 The CWD shall perform all deregistrations/
- 112 The CWD shall deregister a recipient who/
 - 1121 Becomes exempt/ or
 - 1122 Is a volunteer and no longer wants to participate/ or
 - 1123 Becomes ineligible for AFDC/ except if participating in a WIN component or is employed and receiving WIN Demo funded supportive services (refer to 42-673/2 for length of services)/
 - 1124 Has been sanctioned pursuant to 42-691/2/

12 Sanctions

- 121 When a nonexempt recipient has refused or failed to cooperate without good cause/ the following sanctions shall apply/
 - 1211 For the first such occurrence the individual shall be deregistered for three payment months/
 - 1212 For the second and subsequent occurrences/ the individual shall be deregistered for six payment months/
- 122 During the sanction period if the individual is/
 - 1221 A caretaker relative/ other than the principal earner/ his/her aid shall be discontinued/ and aid shall be continued to the remainder of the family (refer to Section 42-691/233 for protective payments)/ or
 - 1222 One of several eligible children in the assistance unit/ aid shall be discontinued for that child and aid shall be continued to the remainder of the family/ or
 - 1223 The only eligible child in the assistance unit/ aid shall be discontinued to the entire family/ or
 - 1224 The principal earner/ aid shall be discontinued to all members of the family whose sole basis of deprivation is the unemployment of that parent/
- 123 For sanctioned individuals/ the CWD shall/
 - 1231 Discontinue the individual or family at the end of the month in which the timely and adequate notice expires/ or

1232 If the proposed action is appealed by the recipient/ and the county's action is sustained/ the discontinuance and deregistration shall be effective at the end of the payment month in which the state hearing decision is received/ If the county is unable to discontinue aid at the end of such month/ aid shall be discontinued at the end of the following payment month/

1233 Arrange for a protective payee in the case of a sanctioned caretaker relative/ (See exception at Section 44-310)/

(a) If an agency payee is used/ the agency shall assure that no actual or apparent conflict of interest exists/ IMU workers shall not serve as agency protective payees/

1234 Restore aid/

(a) Upon expiration of the sanction period if the individual requests aid and is otherwise eligible/ or/

(b) If the sanction is rescinded/

Amend Section 42-710 to read:

42-710 INTRODUCTION TO GAIN

42-710

HANDBOOK BEGINS HERE

.1 Background

AB 2580, Chapter 1025, Statutes of 1985, established the Greater Avenues for Independence (GAIN) Act of 1985. GAIN is a comprehensive statewide employment program for AFDC applicants and recipients ~~which greatly expands the services available under the existing Work Incentive Demonstration (WIM/Demo) Program.~~

In accordance with the intent of the Legislature, it is the duty of the state and the counties to recognize that:

- (a) Applicants for, and recipients of, Aid to Families with Dependent Children (AFDC) ~~under this chapter~~ desire to work, and will do so if provided with the opportunity.
- (b) The state and counties shall provide applicants for, and recipients of, ~~aid under this chapter~~ AFDC with the opportunity to obtain employment by offering a full range of employment training and supportive services, consistent with the needs of participants, that allow for informed choices in order to meet their employment goals.
- (c) Able-bodied applicants for, and recipients of/ ~~aid under this chapter/~~ AFDC are expected to work. The time frames for fulfilling this expectation shall be set forth in an explicit contract between an applicant or recipient and the county.
- (d) Applicants for, and recipients of, AFDC aid under this chapter who are required to register for GAIN require special assistance because they ~~employment and training programs pursuant to Section 11310 are~~ individuals in special need of employment and training opportunities as described in Section 2 of the Federal Job Training Partnership Act (29 U.S.C. Sec. 1501) or Section 1 of that act, and those in need of employment and training opportunities as described in Section 141 of that act. The Legislature finds and declares that these individuals are in the labor force actively seeking employment.
- (e) Because the success of any program will depend on the state, it must exercise leadership to engender enthusiasm among counties, county welfare department directors, and county welfare department line staff, who are the principal contacts for many recipients enrolled in the program.
- (f) (Continued)
- (g) (Continued)

- (h) Most types of employment and training program components for applicants for, and recipients of, AFDC ~~aid under this chapter~~ have been successfully tried in this state.
- (i) AFDC ~~aid under this chapter~~ is available to persons who meet eligibility requirements. ~~This~~ The GAIN program ~~provided for in this article~~ should not hamper continuation of this state's existing system of fraud detection, one of the most successful in the nation.

Accordingly, it is the duty of every involved county welfare department (CWD) employee to take all reasonable actions to promote the goals and objectives of the GAIN program and to provide appropriate and vigorous assistance to GAIN participants so that all those on public assistance may obtain unsubsidized employment.

12 Major Program Requirements

The major program requirements for the CWD administered GAIN program are as follows:

- 121 Each CWD designs a county plan which includes the types of services offered/ the agencies involved in providing these services/ and a projected program budget/ The county plan will include provisions for child care and other supportive services/
- 122 Plans must be approved by the county board of supervisors after a public hearing/
- 123 The CWD submits its initial plan for State Department of Social Services/ (SDSS) approval by September 23/ 1987/
- 124 GAIN will be fully operational in all counties by September 23/ 1988/
- 125 GAIN regulations become effective in a county on the implementation date of its approved plan/ Until that date in WIN Demo counties/ WIN Demo regulations remain in effect (section 42-600)/ In addition/ in WIN Demo counties/ WIN Demo regulations apply to individuals who have not been phased into GAIN/
- 126 When the county becomes a GAIN county/ the caseload can be phased in over a three-year period/
- 127 Participants are required to participate in a structured sequence of employment-related activities according to a contract between the CWD and the participant/
- 128 Participants who fail to participate without good cause for the first instance/ and who do not successfully conciliate/ will be placed on money management for a period of up to three months/ If the participant continues to refuse to participate/ he/she is subject to financial sanctions/

HANDBOOK ENDS HERE

.72 Definitions for Terms Used in This Chapter

- a. ~~Reserved~~ "AWEX" means Alternative Work Experience, which is a training component as defined in Section 42-730.33.
- b. (Continued)
- c. (1) (Continued)
- (2) "Certificate" means a document issued by a two or four year accredited college, ROP/C program, or adult education provider indicating that the individual has achieved a specified level of educational/vocational proficiency.
- (23) (Continued)
- (34) (Continued)
- (45) (Continued)
- (36) (Continued)
- d. (1) (Continued)
- (2) "Degree" means a document issued by a two or four year accredited college or university indicating that the individual has successfully completed a prescribed course of study.
- e. through k. (Continued)
- l. (1) "License" means a document issued by a governmental agency which grants authority to practice a trade, profession or the like.
- m. through t. (Continued)
- u. ~~(2) "AWEX" means APDC Unemployed Parent Work Experience Component.~~
(Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11320, 11320.2, 11320.4, 11320.6, 11320.8, 11321, 11321.2, 11321.4, 11321.6, 11321.8, 11322, 11322.2, 11322.4, 11322.6, 11322.8, 11323, 11323.1, ~~11323.1~~ 11323.2, 11323.4, 11323.6, 11323.8, 11324, 11324.2, 11324.4, 11324.6, 11324.8, 11325, 11325.2, 11325.4, 11325.6, 11326, ~~11326.2~~ ~~11326.4~~ ~~11326.6~~ ~~11326.8~~ 11327, 11327.2, 11327.4, 11327.5, 11327.6, 11327.8, 11328, 11328.1, 11328.2, 11328.4, 11328.6, 11328.8, 11329, 11329.2, 11329.4, 11329.5, 11331.5(d), and 13280, Welfare and Institutions Code; 45 CFR 250.63(k); 42 USC 682(d)(1)(A)(ii)(IV).

Amend Sections 42-711.142, .143, .152 and .153 to read:

42-711 DEMONSTRATION PROJECTS

42-711

.1 Federal Demonstration Projects (Continued)

.14 (Continued)

- .142 Section 42-772.63 - Exception to participation limits for a parent or other relative who is personally providing care to a child under six years of age, when that parent/relative meets the criteria described in Section 42-774.214. (Continued)
- .143 Sections 42-774.214 and .215 - Participation of 100 hours or more per month in a PREP or ~~other work experience~~ AWEX assignment, when a participant meets the criteria in Section 42-774.214. (Continued)
- .152 Section 42-772.6 - Except as provided in Sections 42-772.61, .62, and .71, participation shall not be required for more than 20 hours per week for any parent or other relative who is personally providing care to a child under age 6.
- .153 Section 42-730.32~~72~~2 - The number of hours a person participates in a PREP assignment shall be determined by the appropriate formula provided in Sections 42-730.32~~72~~2(a) or (b).

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections ~~11310~~ 11320.3, 11326(c), and 11328(a)(10), Welfare and Institutions Code; and the Amendment to the Federal Terms and Conditions for the California Work Demonstration Project approved by the United States Department of Health and Human Services on September 11, 1995.

Amend Sections 42-720.1, .2, .3, .4, .5, and .6 to read:

42-720 THE GAIN COUNTY PLAN (Continued)

42-720

.1 Plan Approach

.11 The CWD with the cooperation of community college districts, county offices of education, and local Private Industry councils, shall ~~design~~ establish an package inventory of services to be provided to GAIN participants that reflect local job market needs and resources.

.111 A joint plan may be ~~submitted~~ established by two or more counties.

.12 The ~~package of services plan~~ shall ~~provide~~ include an adequate range of services (refer to Section 42-720.586 below).

.2 Time Frames Submission Deadlines

.21 The CWD shall submit its ~~initial~~ GAIN county plan to SCDSS for approval by September 28/ 1987 within two months from the date CDSS notifies the CWD of its tentative allocation.

.211 The CWD shall submit subsequent county plans every two years in accordance with the submission deadlines specified in Section 42-720.21.

122 The CWD shall submit to SDCS its preliminary annual update for the budget year by November 1 of each year. The preliminary annual update shall include any program changes proposed by the county and the budget proposal for all costs for CWD staffing and contracted client services.

123 The CWD shall submit its annual update of related CWD support and overhead administrative costs at the same time as the county submits its administrative cost impact questionnaire for the AFDC/ Medical/ and Food Stamp programs.

.3 County Plan Content

.31 The county plan shall include a participant and labor market needs assessment which shall ~~be updated and resubmitted to SDCS on an annual basis~~ specify all of the following:

132 The participant and labor market needs assessment shall specify all of the following:

.3211 (Continued)

.3212 (Continued)

.3213 (Continued)

.3214 (Continued)

- (a) The CWD shall study the characteristics of its potential participant caseload. From this caseload analysis, the CWD shall specify which groups of potential participants it plans to target for services consistent with ~~the priority order for program participation specified in requirements~~ at Sections 42-720.632 and 42-720.633. The CWD shall explain why it chose these groups. (Continued)

.3215 The amount and kind of services that will be used ~~in the plan year/~~ while the plan is in operation, including the methodology for the provision of services.

(a) (Continued)

(b) (Continued)

(2) (Continued)

- (A) The CWD shall provide documentation that it will have the ability to provide an adequate level of services to participants in a cost-effective manner, as specified in Section 42-720.586 ~~42-720.586~~. (Continued)

- (d) Notwithstanding Section 42-720.3215(c), when the Cal-Learn Program, as described in Sections 42-762 through 42-769, is operative the county plan shall contain the information required by Section 42-767.

~~(e) A county plan update containing the requirements of Section 42-720.323 (c) shall be submitted as required by 42-720.323.~~

.3216 (Continued)

.32 Each county plan shall specify the county's performance objectives for each of the two years covered by the plan. These objectives shall include the county's goals for the number of anticipated job placements, grant reductions, and terminations that reflect increased income from employment as well as the anticipated performance levels for other outcome-based measures developed by the Department.

HANDBOOK BEGINS HERE

.321 By April 1 of each year, the Department will notify counties that are not likely to meet their performance objectives for the current year.

HANDBOOK ENDS HERE

.322 Within 30 days of being notified in accordance with Handbook Section 42-720.321, the county shall submit for CDSS' approval a county plan update which describes the proposed changes the county will make in order to meet its performance objectives for the following year. (Continued)

.4 County Board of Supervisors Plan Approval

.41 The ~~initial~~ biennial county plan shall be approved by the county board of supervisors after a public hearing is held in accordance with existing county public hearing procedures. (Continued)

.412 ~~Annual updates and~~ Any significant revisions to the county plan shall be approved by the county board of supervisors. (Continued)

(c) The county shall be required to hold a public hearing if ~~§~~CDSS determines that the plan has been revised significantly and the county did not hold a public hearing.

(d) Each county shall make available a copy of its ~~annual~~ biennial or significantly revised plan to any local Private Industry Council (PIC), local legal aid and welfare rights representatives, and public housing authorities operating within its jurisdiction for review and comment prior to submission.

(1) When submitted, the ~~annual~~ biennial or significantly revised plan shall be accompanied by a letter from any affected PICs certifying the level of local cooperation, including joint planning and the use of local labor market information.

.5 CDSS County Plan Approval

.51 Prior to implementation, ~~and the beginning of each fiscal year following the initial plan approval,~~ each biennial county plan shall be approved by CDSS. Any significant revision of a county plan must also be approved by CDSS prior to implementation.

HANDBOOK BEGINS HERE

152 CDSS will respond to the CWP regarding the initial county plan within 90 days of its submittal.

HANDBOOK ENDS HERE

153 Prior to final approval of the initial county plan, the CWP shall be notified of the amount of its allocation to carry out the plan and the assumptions used to develop the allocation.

1531 If the allocation is less than the amount of funds that the CWD proposed in the program budget proposal, the CWD shall be notified that the proposed program budget exceeds the funds available and how the proposed costs exceed the costs used to develop the allocation.

1532 The CWD may provide any additional documentation to justify the funding for any staff, overhead, or contracts not included in the allocation.

1533 If, after reviewing the additional information, CDSS finds any of the proposed program costs are justified, and funds are available, CDSS will revise the allocation accordingly. If, however, CDSS finds that the proposed program costs are not reasonable or cost effective, the CWD shall submit any revisions to its plan that may be necessary to keep program expenditures within the amount of its allocation.

HANDBOOK BEGINS HERE

.542 CDSS will provide an initial response to the preliminary annual update respond to the CWD regarding its biennial county plan within 60 days of its submittal.

153 The CWD will be notified of its tentative allocation for CWD staffing and contracted client services 30 days following the initial response provided in 154 above.

.5313 If the tentative allocation is less than the amount of funds that the CWD proposed in its preliminary annual update program budget, the CWD shall be notified that the proposed program budget exceeds the funds available and how the proposed costs exceed the costs used to develop the tentative allocation.

HANDBOOK ENDS HERE

.53231 (Continued)

.5332 If after reviewing the additional information, CDSS finds any of the proposed program costs are justified, and funds are available, CDSS will revise the allocation accordingly. If, however, CDSS finds that the proposed program costs are not reasonable or cost effective, the CWD shall submit any revisions to its plan program budget that may be necessary to keep program expenditures within the amount of its allocation.

HANDBOOK BEGINS HERE

.564 (Continued)

HANDBOOK ENDS HERE

.575 CDSS approval of a county plan shall be dependent upon but not limited to the following:

.5751 (Continued)

.5752 (Continued)

.5753 (Continued)

.554 The county's annual performance objectives and any proposed changes in program operation that will enable the county to meet previously unmet objectives (see Sections 42-720.32 and .321).

.586 (Continued)

.5861 For large counties, as defined by CDSS for AFDC cost control purposes, "an adequate range of services" means that the CWDs shall provide all of the job services, education, training, and supportive services described in Sections 42-730/ and 42-750 ~~and 42-775/77/ except as provided in section 42-770/67.~~ However, the use of the grant diversion funding mechanism described in Section 42-730.4 shall be optional. (Continued)

.5862 Except for CWDs subject to Section 42-720.5861, if all of the services are not provided for in the county plan, the CWD shall submit a justification as to why the services are not included. (Continued)

HANDBOOK BEGINS HERE

.597 §CDSS will establish and maintain a plan whereby costs for the GAIN program will be effectively controlled within the amounts annually appropriated for such administration. Reimbursement for the federal and state share of GAIN expenditures is subject to the provisions of §CDSS's GAIN Allocation Plan.

HANDBOOK ENDS HERE

.6 GAIN Target Population Priority (Continued)

.62 (Continued)

.622 A statement proposing to reduce costs in a manner ~~which gives priority to the target population as specified in~~ consistent with Section 42-720.632.

.63 CWD cost reductions must be achieved primarily by reducing the number of participants in the program in ~~the priority order of groups described in~~ a manner consistent with an approved method for cost reduction as specified in Sections 42-720.632 and 42-720/633/ taking into account the target population described in 42-720/633. CWDs may make program efficiencies to the extent that these do not threaten the guarantee of services and do not create an effective barrier to participation on the part of current or future ~~participants~~ participants. (Continued)

1832 If funds are sufficient to serve all existing participants/ but not sufficient to serve all potential GAIN participants/ CWSs shall bring new individuals into GAIN according to the following list beginning with the highest priority/

(a) Members of the target population who are required to register for GAIN and who volunteer to participate in GAIN/

(b) Members of the target population who are exempt from the requirement to register for GAIN and who volunteer to participate in GAIN/

(c) AFDC applicants and recipients who are required to register for GAIN and are members of the target population and who do not volunteer to participate in GAIN/

(d) Recipients of AFDC who are not members of the target population/

(e) Applicants for AFDC who are not members of the target population/

1833 Existing participants shall receive the highest priority for GAIN participation/ If/ after making intake as specified in Section 42+720/832/ resources are not sufficient to serve all existing participants/ priority for continuing participation shall be extended to groups listed in the following order beginning with highest priority/

(a) Existing participants who are members of the target population who volunteer/ at the time they are notified of a reduction/ for further program participation/

(b) Existing participants who are members of the target population who do not volunteer/ at the time they are notified of a reduction/ for further program participation/

(c) Existing participants who are not members of the target population/

1834 The following conditions shall apply to designated priority groups described in Sections 42+720/832 and 42+720/833/

(a)

(b) Individuals described in Section 42+ 720/832(a) and (e) who have received AFDC for one year or more in the preceding two years shall receive higher priority within their respective groups/

(c) For purposes of Sections 42+720/832(a) and 42+720/833(a) and (b)/ only/ a volunteer is an individual who expresses a desire to participate in GAIN regardless of whether the individual is a mandatory GAIN registrant or exempt from registration/

.632 If resources are insufficient to serve all GAIN registrants, the county shall adopt a method for use in determining the order in which registrants shall be given priority for participation in the program, or be temporarily excluded from program participation. The method adopted by the county shall meet the following requirements:

(a) Existing participants shall be given the highest priority for participation in the program. They shall be given an opportunity to complete those activities necessary to reach the employment goals identified in their participant contracts, unless, after halting intake, the county must temporarily exclude them from the program due to insufficient resources in accordance with the county plan. Existing participants include:

(1) Teen parents who have participated in the Cal-Learn Program as described in Sections 42-762 through 42-769 when that Program is operative. Such persons shall receive any additional services needed to prepare them for employment.

(2) Individuals who are between activities as well as those who have been deferred in accordance with Section 42-761.3 or .4.

(b) At least fifty-five percent of a county's GAIN program expenditures shall be for services to any of the target populations specified in Section 42-720.634.

(c) Within any target population selected by the county or specified in Section 42-720.634, first priority shall be given to an applicant or recipient who volunteers to participate in the program.

(1) For purposes of this section, a "volunteer" is any person eligible to participate in the program, either exempt or nonexempt, who expresses a desire to participate.

(d) A county may not give lesser priority to any target population group because of estimated costs of supportive services to that group.

.633 A county's method for achieving cost reduction as specified in Section 42-720.632 shall be described in the county plan and subject to CDSS approval in accordance with Section 42-720.5.

(a) The plan shall also include information on local demographic, economic, or other conditions that support the need for the method selected.

.63~~3~~4 Target population means a group composed of all GAIN-eligible individuals who are: (Continued)

~~166~~ In the event funds become available, the CWD must resume services in accordance with the priority order for services specified in sections 42-720.632 and 633.

.661 (Continued)

.67 The cost reduction provisions specified in Section 42-720.632/ including the priority provisions specified in sections 42-720.632/ 633 and 634/ shall not apply to teen parents who are subject to the Cal-Learn Program as described in Sections 42-762 through 42-769 when that Program is operative.

.7 Data Collection

.71 Except as otherwise required by CDSS, the CWD shall collect data in accordance with CDSS statistical reporting requirements. (Refer to Sections 26-010 and 26-020.) The data shall include, but not be limited to the following: (Continued)

(m) The number of licenses, certificates, and degrees obtained by participants, and the number of participants who obtained employment as a result thereof.

~~(m)~~ (Continued)

~~(n)~~ (Continued)

Authority cited: Sections 10553, 10554, ~~and~~ 10604, and 11320.6(f), Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11320.6(b), (c), (d), (e), and (f), 11320.8~~(c)~~, 11321, 11321.2, ~~11321.2(a)~~, ~~11321.2(b)~~, 11322(a), 11322.2(b), 11322.4, 11322.8, ~~11323.1(b)~~, 11330.5(d), 11330.8(c), 11330.9, 11333.5(b), and 13280, Welfare and Institutions Code; 45 CFR 250.1; 45 CFR 250.11; 45 CFR 250.12(c); 45 CFR 250.31(a); 45 CFR 250.44; 45 CFR 250.45; and 45 CFR 250.63(k).

Amend Sections 42-730.1, .2, .3, .4, and .5 and repeal Sections 42-730.6 and .7 to read:

42-730 GAIN JOB SEARCH, TRAINING, AND EDUCATION SERVICES

42-730

- .1 The CWD may provide job search, training, and education services directly to program participants, or by referral to other services provided by the PIC providers. The CWD ~~also~~ shall enter into contracts or interagency agreements as specified in Sections 42-740, 42-741, and 42-742 with private or public agencies for the provision of these services when not provided directly by the CWD.

HANDBOOK BEGINS HERE

In order to receive training or services funded under the Job Training Partnership Act (JTPA), a GAIN participant must be certified as eligible pursuant to procedures established by the PIC that serves the area of residence of the participant.

HANDBOOK ENDS HERE

- .11 Each CWD shall, in providing job search, training, and education services to participants, provide services to each participant ~~which will to best meet his/her needs~~ achieve his/her employment goal as identified through the development of an employment plan. Counties shall work with local training and education providers, including service delivery areas, community college districts and local school districts, to identify existing resources and, if necessary, to create training and education opportunities that meet the needs of teenage parents who have obtained a high school diploma or its equivalent and who are required to participate, or who participate voluntarily.
- .12 Services to be provided to each participant shall be specified in the ~~basic or amended~~ contract entered into between the CWD and the participant as specified in ~~Sections 42-772 and/or 42-774~~ Section 42-771.
- .13 An employment or training position, other than a PREP or AWEX position (see Section 42-730.329), may not be created as a result of, or may not result in, any of the following: (Continued)
- .2 Job Search Services shall include:
- .21 Job Club, which shall consist of job search workshops as described in Section 42-730.211 ~~below~~ and supervised job search as described in Section 42-730.22 ~~below~~: (Continued)
- .27 Subject to the GAIN Program participant flow process as described in Sections 42-771 through 774, participation in a job search activity shall be limited as follows:

.271 Subject to the provisions of Section 42-772.1, counties may require an applicant for AFDC to begin a job search activity prior to the determination of eligibility for aid during an initial eight-consecutive-week period beginning with the date of application for aid.

(a) Determination of eligibility for aid shall be the date of authorization of payment as defined in Section 44-117/121/
The initial eight-consecutive-week period may extend beyond the date eligibility for aid is determined.

.272 Counties may require recipients of AFDC to participate in a job search activity for up to 40 days in any period of 12 consecutive months. (Continued)

.273 (Continued)

HANDBOOK BEGINS HERE

(d) Example 1: A person applies for AFDC on July 2, is determined to be a mandatory GAIN participant, and is referred to GAIN appraisal. Based on appraisal results, she attends Job Club July 9 - July 27. ~~Eligibility for aid is established on August 1/ prior to attendance in Job Club/~~ The 12-consecutive-month period for this case begins upon the first instance of job search activity occurring after August 27, the close of the initial eight-consecutive-week period.

~~Example 2/ Same facts as example 1/ except she begins Job Club on August 3/ two days after eligibility for aid was established (August 1/). The 12-consecutive-month period begins on August 3/ because it is when the individual first participates in job search following the close of the initial eight week period/~~

HANDBOOK ENDS HERE

.274 Counties shall not require any individual to participate in a job search activity in excess of the limits specified in Sections 42-730.271 and .272 except as part of a CWD approved education, training or employment activity as follows:

(a) During a PREP or ~~PAWEX~~ assignment; or (Continued)

~~any~~ ~~during job search services after after successful completion of an assigned activity/ or~~

(~~b~~) (Continued)

.3 Training services shall include, but are not limited to, the following:
(Continued)

.32 Preemployment Preparation (PREP)

.321 (Continued)

- (a) Except for participants subject to the provisions of Section 42-774.713, a PREP assignment shall not exceed 12 months. (Continued)

.324 (Continued)

- (b) For participants subject to the provisions of Section 42-774.715, the review shall be every six months and shall also include an evaluation of whether extenuating circumstances, as specified in Section 42-774.12, have developed.

- (1) Necessary revisions to ensure consistency with the participant's contract and effectiveness in preparing the participant to attain his/her goal shall be consistent with the provisions of Section 42-774.713. (Continued)

- .329 A PREP or AWEX position may not be created as a result of, or may not result in, any of the following: (Continued)

.33 Alternative Work Experience (AWEX)

- .331 AWEX is a nonsalaried work experience assignment with a public, private non-profit or, at county option, a private for-profit employer, that shall enhance and renew job skills, build work habits or expedite the transition to unsubsidized employment.

- (a) AWEX assignments may include activities that provide a needed community service.

HANDBOOK BEGINS HERE

- (1) Examples of appropriate AWEX community service assignments include, but are not limited to:

- (A) nonsalaried work experience hours in a preschool, or an elementary or secondary school;
 - (B) nonsalaried work experience hours in a hospital, convalescent home or hospice program;
 - (C) nonsalaried work experience hours in public libraries; and,
 - (D) nonsalaried work experience hours in park and recreation districts.

HANDBOOK ENDS HERE

- .332 An AWEX assignment with a private for-profit employer shall not exceed 13 weeks except that a county may extend an assignment a maximum of 13 additional weeks based upon the case manager's determination of the participant's need for additional job/work exposure and/or training.
- .333 An AWEX assignment shall be reviewed by the county at least annually to ensure that it continues to conform to the employment goal and to provide skills that will lead to unsubsidized employment.
- (a) For participants subject to the provisions of Section 42-774.15, the review shall also include an evaluation of whether extenuating circumstances, as specified in Section 42-774.12, have developed.
- (1) Necessary revisions to ensure consistency with the participant's contract and effectiveness in preparing the participant to attain his/her employment goal shall be consistent with the provisions of Section 42-774.13.
- .334 The number of hours a participant shall participate in an AWEX assignment shall be based on the employer's need, but shall not exceed 32 hours per week.
- .335 Participants assigned to AWEX shall be expected to continue to seek employment.
- (a) A participant may request job search services, as described in Section 42-730.2, at any time during participation in the AWEX assignment.
- (b) Combined hours of participation in AWEX and job search activities including independent job search and job search services as provided in Sections 42-730.335 and 42-730.2, respectively shall not exceed 40 hours per week.
- (c) Job search activities during the AWEX assignment shall not be subject to the 40-day time limit specified in Section 42-730.272.
- .336 An AWEX participant assigned to a public agency shall be allowed to:
- (a) Participate in classified service examinations equivalent to the position he/she occupies.
- (b) Participate in all open and promotional examinations for which experience in the position or other relevant experience is qualifying under merit system rules.

.337 An AWEX assignment shall not be created as a result of, or shall not result in, any of the conditions described in Section 42-730.329.

.334 On-the-job-training (OJT)

.3341 OJT is subsidized employment in which a participant receives job skills training from an employer. Grant diversion (as described in Section 42-730.4) may be used as a funding mechanism for OJT. At the end of the training, it is expected that the participant will be retained by the employer.

.345 Supported Work

.3451 Supported Work is a transitional work experience program provided by an intermediary service provider which is characterized by three factors: close supervision, graduated performance expectations, and peer support. Grant diversion (as described in Section 42-730.4) shall be the funding mechanism for supported work. (Continued)

.336 Transitional employment

.3361 Transitional employment is training and/or employment in a work setting arranged for and/or provided by an intermediary service provider. Grant diversion (as described in Section 42-730.4) shall be used as the funding mechanism for transitional employment. (Continued)

.4 Grant Diversion (Continued)

.41 (Continued)

.416 The CWD shall not implement a program funded by grant diversion until the plan for such a program is approved by §CDSS. (Continued)

.5 Education services shall include:

.51 Adult Basic Education

.511 Adult basic education shall be preemployment basic education/ which includes reading/ writing/ and arithmetic necessary for employment or job training/ including high school proficiency/

.511 Adult basic education shall include any of the following services to the extent they are necessary to prepare the participant to achieve his or her employment goal:

(a) Reading, writing, arithmetic, and high school proficiency or general education development certificate instruction.

(b) English-as-a-Second Language (ESL), including vocational English-as-a-Second Language (VESL). VESL shall be intensive instruction in English for non-English-speaking participants that shall be coordinated with specific job training.

.512 Participants in adult basic education shall be provided at least 10 hours of instruction, if available, during each week that participation is required. The CWD shall notify CDSS whenever this minimum level of instruction cannot be provided. This notification shall identify the school or community college district, and the reasons the school or college is unable to provide the minimum hours of instruction.

.52 College and Community College Education (Continued)

133 Vocational English-as-a-Second Language (VESL)

1331 Vocational ESL shall be intensive instruction in English for non-English speaking participants and shall be coordinated with specific job training.

134 Utilization of an educational program entered into as a result of the employment plan shall not exceed two academic years.

135 Participants in educational services specified in Section 427730/31 and 133 shall be provided a minimum of 10 hours per week of instruction, if available, during each week that participation is required.

1351 The CWD shall notify SDSS whenever this minimum level of instruction cannot be provided. This notification shall identify the school or community college district, the reasons why that school or college is unable to provide the minimum number of hours of instruction.

.53 The CWD shall refer participants to appropriate vocational and adult basic education providers including, but not limited to, the educational programs operated by school districts or county offices of education that have contracted with the Superintendent of Public Instruction to provide services to participants pursuant to Section 33117.5 of the Education Code.

HANDBOOK BEGINS HERE

.54 Section 33117.5 of the Education Code provides that the Superintendent of Public Instruction will identify school districts or county offices of education that can best accommodate GAIN participants assigned to vocational education and adult basic education. The educational provider will evaluate the participant's educational and training needs and will prepare a plan that specifies the educational and training services to be provided and the length of time services are to be provided.

HANDBOOK ENDS HERE

- .55 As required by Section 33117.5 of the Education Code, CWDs and education providers shall discuss and jointly certify that they agree upon the delivery of education and training services for GAIN participants, as a condition for the funding of these services.

16 Concurrent Enrollment

- 161 Pursuant to its approved GAIN County Plan/ the CWD may/ notwithstanding Section 42+720/381/ offer concurrent enrollment in basic education (as defined in Section 42+772/3) and in training and/or education services as defined in Sections 42+730/3/ 32 and 33 which may be determined at assessment (see Section 42+773) to be necessary/ The CWD may offer concurrent enrollment to any registrant determined during appraisal (see Section 42+761) to lack basic literacy and mathematics skills/ a high school diploma or its equivalent/ or English language skills/ The participant may choose to participate in concurrent enrollment in accordance with the provisions of Section 42+772/381/
- 162 Concurrent education and training activities may either be separate components provided by one or more providers or combined into an integrated component provided by the same provider/

17 Priority in Providing Services (see Section 42+720/324)/

- 171 The CWD shall give priority in providing expensive services and services which must be provided for a lengthy period of time/ such as supported work/ transitional employment/ and lengthy classroom training/ to persons who have been recipients of AFDC for at least two years/ or who have little or no employment history/
- 172 The CWD shall provide less costly services and short term services to program participants who have been recipients of AFDC for less than two years and who have a history of employment/
- 1721 The CWD may provide a program participant with more costly services and services which must be provided for a lengthy period of time if it is determined through the development of the employment plan as specified in Section 42+773 that the less costly and short-term services would not be effective in assisting a program participant to achieve the ultimate goal of obtaining unsubsidized employment/

Authority cited: Sections 10553, 10554 and 10604, Welfare and Institutions Code.

Reference: Sections 11322.6(f), 11322.8(h)(6)/ 11322/6/17/ 11322/6/17/27/ 11322/6/17/67, 11323, 11323/13/ 11324.2(a)(2), 11324.4(b), 11324.6, 11325.22(a) and (b), 11326(c), 11328(a)(10), and 11330.7, Welfare and Institutions Code; Section 33117.5(d), Education Code; 45 CFR 250.60(c) and (d); and 45 CFR 250.62(b)(2); and 45 CFR 251.3(a); and 45 CFR 250.63(k).

Amend Section 42-731 (Introductory paragraph) to read:

42-731 EMPLOYEE DISPLACEMENT GRIEVANCE PROCESS

42-731

The following grievance process shall be used to resolve the complaints of regular employees or their representatives who believe assignment of a GAIN participant to a preemployment preparation (PREP), alternative work experience (AWEX), on-the-job training (OJT), or grant diversion-funded component violates any of the displacement provisions at Manual of Policies and Procedures (MPP) Sections 42-730.13, ~~42-730.329~~, or ~~42-730.418~~, as applicable. All displacement complaints shall be in written form and shall include the full name, address (if any), and telephone number (if any) of the alleged displaced employee, the full name and address of the employer against whom the complaint is being filed, a clear and concise statement of the facts concerning the alleged displacement, including pertinent dates, and a statement that the complaint has been signed under penalty of perjury. (Continued)

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11324.7, 11326(c), ~~and~~ 11327.8(d) and (e), and 11328(a)(10), Welfare and Institutions Code; and 45 CFR 251.4.

Amend Sections 42-740 (Title), .1 and .2 to read:

42-740 CONTRACTS/AGREEMENTS FOR GAIN JOB SEARCH, TRAINING AND
EDUCATION SERVICES

42-740

- .1 Contracts/agreements between the CWD and providers of job search, training or education services, including employers providing PREP or AWEX, shall include specific criteria as follows:
 - .11 (Continued)
 - .111 Notwithstanding Section 42-740.1, contracts with AWEX providers are not required to provide for job placement.
 - .12 (Continued)
 - .121 Violates the contract between the CWD and the participant as specified in Section 42-774~~1~~; or/ (Continued)
 - .13 Contracts shall specify the conditions outlined in MPP Section 42-730.13 or ~~42-770~~.329, as appropriate.
 - .14 (Continued)
 - .141 The requirement specified in Section 42-740.14 shall be considered met if the contractor adheres to any applicable statewide progress standard established by CDSS. (Continued)
 - .19 Contracts/agreements for PREP, AWEX, OJT, or any activity funded by grant diversion shall identify the displacement grievance process defined in MPP Section 42-731. In addition, such contracts/agreements shall specify that the employer or training provider shall either:
(Continued)
- .2 Except as specified in Section 42-740.22 ~~below~~, any contract/agreement which provides for payment for training and education services shall be competitively selected using applicable state and federal regulations. Payment shall be made based upon fixed-unit-price performance-based criteria.
 - .21 Under these contracts, full payment shall not be considered earned by the contractor for training and education services as defined in Sections 42-730.3 and .5 until either of the following has occurred:
(Continued)
 - .212 (Continued)
 - (b) A prorata share of the 70 percent fixed-unit-price payment in Section 42-740.212(a) ~~above~~ shall be paid to the training service provider if the participant does not complete the training either through failure to cooperate, as determined by the CWD, or the participant obtains unsubsidized employment.

- (1) If the participant in Section 42-740.212(b) ~~above~~ obtains unsubsidized employment related to the training, as determined by the CWD, and is retained for at least 180 days, the difference between the pro rata payment in Section 42-740.212(b) ~~above~~, and 70 percent of the fixed-unit price for training services shall be paid.

- .22 Training and education services funded by sources other than GAIN shall be subject to the criteria and requirements of those sources and not to the requirements of Section 42-740.21 ~~above~~.
- .23 The CWD shall be permitted to enter into contracts for educational services without having to adhere to the contracting requirements of Section 42-740.21, when the CWD is unable to obtain educational services due to the absence of an available adult education program or the small number of GAIN referrals. Utilization of this exemption shall require prior review and approval by §CDSS.

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11322.8(a), 11324.5, 11328.2(c), 11328.6(a), Welfare and Institutions Code/; AB 312, Chapter 1568, Statutes of 1990; 45 CFR 250.1/; 45 CFR 250.61(b) and (c)/; ~~and~~ 45 CFR 250.72(c) and (d); and 45 CFR 251.4.

Amend Sections 42-741 (Title), .1, and .2 and adopt Section 42-741.5 to read:

42-741 AGREEMENTS FOR PREP AND WAWEX

42-741

- .1 Agreements between the CWD and providers of PREP or WAWEX shall include the specific performance criteria in Section 42-740.1, and any agreement for PREP shall be consistent with Section 42-730.32.
- .2 An agreement between the CWD and the employer of a participant in the WAWEX component shall be consistent with the provisions of Section 42-~~773/77~~ 730.33. (Continued)

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Section 11322.8, 11326(c), 11328(a)(10), and 11328.6, Welfare and Institutions Code; 45 CFR 250.63(k); 42 U.S.C. 682(d)(1)(A)(ii)(IV).

Amend Sections 42-742.1 and .13 to read:

42-742 CONTRACTS/AGREEMENTS FOR ON-THE-JOB TRAINING (OJT), SUPPORTED 42-742
WORK, AND TRANSITIONAL EMPLOYMENT FUNDED BY GRANT DIVERSION

- .1 Contracts/agreements with employers or intermediary service providers for OJT, supported work, or transitional employment as specified in Sections 42-730.3~~4~~4, .3~~4~~5, and .3~~5~~6 shall be in accordance with Section 42-740 and shall provide that: (Continued)
- .13 There shall be no interruption in the participant's receipt of income, whether as wages from the employer or aid payments from the CWD caused by the employer's conduct, except as specified in Sections ~~42-785 and~~ 42-786. (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Assembly Bill 656, Chapter 1310, Statutes of 1989.

Amend Section 42-750.3, .4, and .5 and adopt Section 42-750.13 et seq. to read:

42-750 SUPPORTIVE SERVICES (Continued)

42-750

.1 (Continued)

.13 The CWD may continue to provide case management and the supportive services described in Sections 42-750.2, .3, .4, and .5 to a participant who becomes eligible for exemption from mandatory GAIN participation due to unsubsidized employment (see Section 42-798). These services may only be provided under the following conditions:

.131 The services described in Section 42-750.13 shall only be available in the county to the extent they are specified in the county plan approved in accordance with Section 42-720.

.132 The CWD may continue these services for up to the first 90 days of employment to the extent they are not available from any other source(s) and are needed for the individual to retain the employment.

.133 The county shall not continue to offer the services in Section 42-750.13 if the number of participants it is able to serve in the program decreases by 10 percent or more in any year after this option is implemented.

.134 A participant may receive the services available, as provided under Section 42-750.13, whether or not the individual remains eligible for AFDC. (Continued)

.3 CWDs are encouraged to contract with existing public and private child care programs to provide any or all of the services specified in this section ~~and by law~~. Child care by family members shall be encouraged, but the choice between licensed or exempt child care arrangements shall be made by the participant. (Continued)

.4 (Continued)

.41 Regional market rates for transportation shall be determined as follows: (Continued)

.412 If there is no public transportation available which meets the requirements of Section 42-750.411 ~~above~~, participants may use their own vehicles, and shall be reimbursed at a rate used to reimburse CWD employees for the use of privately-owned vehicles. (Continued)

.414 Reimbursement to participants who choose to use their own vehicles when public transportation is available shall not exceed the rate specified in Section 42-750.411 ~~above~~. (Continued)

.5 (Continued)

- .52 A person who has personal or family problems that are jeopardizing the successful outcome of the employment plan as specified in the contract entered into pursuant to Section 42-7731 shall, to the extent available, receive necessary counseling or therapy to help him or her and his or her family adjust to his or her job training assignment.
- .53 The CWD shall specify the method(s) that it will use to provide these services in its ~~initial~~ county plan ~~and annual updates~~. (Continued)

Authority Cited: Sections 10553, 10554, 10604, and 11320 et. seq., Welfare and Institutions Code.

Reference: Sections 10613, 11209, ~~11320.6(a)(f)~~ 11320.6(a)(f), 11322.2(a), 11323.2, 11323.4(b), (c), and (d), 11323.6(d)(1)(2)(3), (e)(2) and (f), ~~11323.6(d)(1)(2)(3)~~ and 11500(c)(1), Welfare and Institutions Code/ ~~AB 112/ Chapter 1368/ Statutes of 1990~~; 45 CFR 250.21(d)(13), 45 CFR 250.40(a)(2) and (3), 45 CFR 250.48(a)(3), 45 CFR 250.61(e) and (f), 45 CFR 250.73(e), 45 CFR 250.95(b), 45 CFR 255.1(e)(1) and (4), 45 CFR 255.2, 45 CFR 255.4(a)(2)(iii), (c)(2), (f)(2), (i)(1) and (j), 45 CFR Part 256; JOBS-FSA-AT-91-5; 42 U.S.C., Section 602/ ~~Assembly Bill 1360/ Chapter 1268/ Statutes of 1994 and Senate Bill 1984/ Chapter 1267/ Statutes of 1994~~.

Amend Sections 42-760.1, .3, and .4; repeal Section 42-760.5; and renumber Sections 42-750.6, .7, .8, and .9 to Sections 42-760.5, .6, .7, and .8, respectively, to read:

42-760 GAIN REGISTRATION

42-760

- .1 ~~Unless exempt as specified in sections 42-788 through 42-799/~~ The following individuals applicants for, and recipients of, AFDC are automatically registered for GAIN:
 - .11 ~~Individuals who are not exempt as specified in Sections 42-788 through 42-799 as specified in MPP 42-628/1.~~ (Continued)
- .3 The CWD shall inform exempt individuals of their right to volunteer for GAIN, unless they are excluded as provided in Section 42-760.2.
- .4 The CWD shall provide a written notification of registration to nonexempt and volunteer individuals, unless they are excluded as provided in Section 42-760.2.
 - .41 The notification shall include:
 - .411 A general description of the GAIN program and the availability of job search, training, education, and supportive services.
(Continued)
- ~~15~~ If the CWD is phasing in its caseload pursuant to MPP Section 42-710/28/ the CWD shall notify nonexempt individuals in writing that they are registered for GAIN when they are to be phased into the program/ The CWD shall provide the same notification of registration that is required in MPP Section 42-760/4/
- ~~.65~~ If the individual is not excluded as provided in Section 42-760.2 and his/her status changes from exempt to nonexempt status, the CWD shall provide the notification of registration as required in MPP Section 42-760.4.
- ~~.76~~ For purposes of data collection and participant tracking, the CWD shall maintain copies of the notification of registration required in Sections 42-760.4/ and .5/ and 18 above.
- ~~.87~~ (Continued)
 - ~~.871~~ (Continued)
 - ~~.872~~ (Continued)
 - ~~.873~~ (Continued)
 - ~~.874~~ (Continued)
 - ~~.875~~ (Continued)

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11320.4(e), 11325(~~de~~) and 11325.2(~~dc~~), 11325.21(h), Welfare and Institutions Code; 45 CFR 250.30(b)(5); 45 CFR 250.90/; 45 CFR 250.94(a)(2)/; 45 CFR 250.95(b); and 45 CFR 250.97(f)(7).

Repeal Section 42-761.2; renumber Sections 42-781.3, .4, .5, and .6 to Sections 42-761.3, .4, .5, and .6, respectively; and amend Sections 42-761.1, .2, and .3 to read:

42-761 GAIN REGISTRANT APPRAISAL

42-761

.1 Except as specified in 12 below provided in Section 42-761.11, the CWD county shall conduct an appraisal as soon as administratively possible/ but within 20 working days from the date the recipient/applicant or caretaker relative signs the AFDC Statement of Facts in the presence of an eligibility worker required in Sections 42-761.2 through .33 of each registrant at the time the individual enters the program.

.11 The CWD shall not conduct the appraisal activities specified in Sections 42-761.23 through 42-761.433, for individuals excluded from program participation in accordance with Sections 42-720.63 through and .6332, unless the individuals are permitted to participate pursuant to Section 42-720.66. The CWD shall collect data on these excluded individuals in conformity with §CDSS requirements.

12 The CWD shall conduct an appraisal as soon as administratively possible/ but within 20 working days from the date of the notification of registration to individuals who/

121 Are being phased into the program as specified in WFF 42-760/4/

122 Volunteer to participate in GAIN/

123 Change from exempt to nonexempt status/

.23 (Continued)

.321 (Continued)

.3211 (Continued)

.3212 (Continued)

.3213 (Continued)

.322 (Continued)

.3221 (Continued)

.3222 The information collected shall include, but not be limited to, the following:

(a) Whether the registrant meets any of Questions relating to the deferral criteria listed in Section 42-761.43 below.

(b) (Continued)

(c) Whether the registrant was discontinued from AFDC two or more times in the past three years due to the registrant's employment.

(d) Whether the registrant is currently participating in an educational or training program.

(e) (Continued)

(f) (Continued)

(f) The registrant's need for an evaluation as specified in Section 42-773.2.

.237 If it has not been determined prior to Appraisal, determine if the registrant should be deferred from participation based upon the criteria specified in Sections 42-761.43 or .34.

.324 (Continued)

.325 (Continued)

.326 Determine which the component to which the nondeferred registrant should be assigned to as part of the basic contract (Section 42-772) in accordance with Section 42-772.

.3261 The CWD shall determine if the registrant lacks basic literacy or mathematics skills or English language skills by using the appropriate testing instruments provided by SPSS in conjunction with SPB.

(a) This determination shall also be made for registrants who, at the time of the initial appraisal, are enrolled in a program for which the sole purpose is to develop basic literacy or mathematic skills or English language skills, as specified in Section 42-772.33311.

.3262 For custodial parents described in Section 42-772.7, the activities specified in Sections 42-761.326 and .3261 are not required.

.363 Registrants who are determined to lack any of these basic educational skills and who appear to be unable to benefit from instruction to remedy these skill deficits shall be evaluated as specified in Section 42-772.312 prior to assignment to a component.

.364 If the county offers concurrent enrollment as defined in Section 42-730.6, a registrant determined to need basic skills instruction/ English language skills instruction/ or a high school diploma or equivalent shall be informed during the appraisal of the right to request concurrent enrollment in basic education as defined in Section 42-772.31 and training and/or education services as defined in Sections 42-730.31, 32 and 33.

~~121 A participant may only be concurrently enrolled under the conditions set forth in Section 42-772.381.~~

~~121 A participant who chooses concurrent enrollment shall be informed of all participation requirements prior to signing a participant contract.~~

.327 (Continued)

.3271 (Continued)

.3272 (Continued)

.328 Develop and document a preliminary employment goal for ~~the~~ any registrant who, after appraisal, is to participate in job search as provided in Section 42-772.1; a self-initiated program as provided in Section 42-772.311, .4, or .722; or a work activity as provided in Section 42-775. It is not necessary to develop a preliminary employment goal for a registrant who is deferred or is being referred directly to assessment for development of his/her employment plan in accordance with Sections 42-772.1 and .2.

.3281 In developing the preliminary employment goal, the CWD or agency contracting with the CWD shall consider at least the following:

(a) The information provided by the registrant on the self-appraisal form (Section 42-761.3222). (Continued)

.3282 Subject to the provisions specified in Section 42-761.3281, the ~~preliminary~~ preliminary employment goal shall be reflective of the registrant's preferences to the maximum extent possible.

~~3283 Repealed by Manual Letter No. EAS/90/03/ effective 10/1/90/~~

.329 Enter into a ~~basic~~ contract with the registrant as provided in Section 42-772.1 unless she/he is deferred or is to be referred immediately to assessment in accordance with Sections 42-772.1 and .2.

.34 (Continued)

(a) An individual who, at the time of the ~~initial~~ appraisal, is enrolled on a full-time basis in a program ~~leading to earn a license, certificate, or degree that will lead to employment of certificate.~~

(1) (Continued)

(2) If the individual is attending less than full-time at the time of the initial appraisal but agrees to full-time attendance as soon as possible, the individual shall be considered to be attending on a full-time basis for the interim. Failure to increase attendance to full-time as agreed within the next quarter, semester, or available opportunity not to exceed six months will end the deferral except as provided in Section 42-761.43(a)(1).

- (3) If the CWD does not agree that the program will lead to employment, the registrant shall be allowed to continue in the program if sufficient documentation is submitted to demonstrate that the program will lead to employment. Any of the following shall be proof that a program leads to employment:
- (A) A signed statement that an employer will give the person a job upon program completion.
 - (B) A list of three employers who have frequent openings in the occupation pursued by the participant at a skill level that can be achieved by the participant through skill training components offered by the program.
 - (C) A statement from a school district, community college, university, service delivery area, or Employment Development Department office stating that the program will lead to employment.
- (b) A person who is so seriously dependent upon alcohol or drugs that work or training is precluded.
- (1) If provided in the approved county plan, the CWD may choose to only provide this deferral to registrants who participate in, or actively pursue access to, an alcohol or drug treatment program that is licensed, certified, or has a contract with the state or county.
- (A) The county plan shall describe the treatment programs available to registrants in the county, including programs providing services that are appropriate to the needs of women with children.
 - (B) A person who refuses to pursue treatment as a condition for this deferral, and who subsequently fails or refuses to comply with program requirements, shall not have good cause for noncompliance on the basis of his or her drug or alcohol dependence.
- (2) Notwithstanding the provisions of Section 42-761.3(b)(1), a registrant shall not be required to participate in a drug or alcohol treatment program under any of the following conditions:
- (A) The person is on the waiting list(s) of any appropriate program(s) available.
 - (B) There is no appropriate treatment program available. A treatment program is not appropriate if the individual does not have access to a service that is essential to successful participation in the program, including, but not limited to, child care and transportation services.
- (Continued)

- (i) A person who is employed for 15 or more hours per week and meets all of the following criteria:
- (1) The individual is earning at least the state or federal minimum wage, whichever is higher. This requirement shall apply to the net earnings of a self-employed individual, and it shall not apply during the first six months of self-employment or employment compensated by commission.
 - (2) The individual is also participating in activities approved by the CWD that are similar to job search, education, or training activities in the program.
 - (3) The combined hours of employment and participation in other approved activities shall equal at least 30 hours per week.
 - (4) The requirements for this deferral may be met by at least 15 hours of employment per week and participation in an education or training program under the following conditions:
 - (A) The participant is in the program to earn a license, certificate, or degree.
 - (B) By the provider's standards, the participant is enrolled on at least a half-time basis and is making satisfactory progress in the program.
 - (C) The program will lead to employment. If the CWD does not agree that it will lead to employment, the registrant shall be permitted to continue in the program if sufficient documentation is submitted through the process described in Section 42-761.4(a)(3) to demonstrate that it will lead to employment. (Continued)
- (o) An individual who, at the time of the initial appraisal, is attending an education or training program that is not approvable as a GAIN activity or does not meet the requirements of Section 42-761.43(a) may be deferred in order to permit completion of the program semester, quarter or increment of not more than six months.
- (1) This deferral shall apply only when the conditions for the deferral in Section 42-761.34(a) cannot be met and the individual wishes to complete a current term of education or training before participating in GAIN.
- .431 Deferral determinations for individuals meeting the criteria of Section 42-761.34(e) shall be made prior to Appraisal.
- .4311 Data collection activities specified in Section 42-720.7 and deferral review activities specified in Section 42-761.433 are not required for individuals meeting the criteria of Section 42-761.34(e).

.432 (Continued)

.433 (Continued)

.4331 (Continued)

.332 The registrant shall cooperate with the CWD and provide information, including documentation, as requested to complete the deferral review.

.434 When the deferral situation no longer exists, the CWD and the registrant shall enter into a ~~basic~~ contract as required in Section 42-761.29.

.43 (Continued)

.541 (Continued)

.5411 (Continued)

.53 (Continued)

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections ~~11323.15~~ 11323.2(a)(1), 11323.4(d)(1), 11323.6(d)(1), 11325, 11325.2~~(4)(7)~~, 11325.22(a) and (b), 11325.25, 11330.3, and 11331.5(b), Welfare and Institutions Code; 45 CFR 250.1; 45 CFR 250.41(a) and (b); 45 CFR 250.48(a) and 45 CFR 255.2(a); and 54 FR 42184, October 13, 1989.

Amend Section 42-771 to read:

42-771 GAIN PARTICIPANT CONTRACTS (Continued)

42-771

- .1 The assignment of a GAIN participant to any job search, education, or training activity or activities (see Sections 42-772 through 42-775) in accordance with his or her employment plan shall be specified in a written contract with the county welfare department that meets the following requirements:
- .11 The contract shall be written in clear and understandable language and shall have a simple and easy-to-read format.
- .12 The CWD shall utilize the contract format and language developed by CDSS.
- .121 The CWD shall be permitted to add unique features to the contract ~~which~~ that comply with the requirements in Section 42-771.1 ~~above~~ and are approved by CDSS.
- ~~/211~~ The CWD shall submit the language for ~~these~~ proposed additions or changes to ~~SCDSS as part of the county plan~~ Subsequent changes must be for approval by DSS before use.
- .13 The information in the contract shall include, but not be limited to, the following:
- .131 A general description of the GAIN program, including available program components (see Section 42-730), the types of supportive services that are generally available to program participants (see Section 42-750), and a statement that supportive services will be provided as necessary for the participant to attend assigned program activities.
- .132 A general description of the rights, duties, and responsibilities of program participants, including:
- (a) A list of the exemptions from mandatory participation (see Sections 42-788 through 42-799).
- (b) The consequences of the failure or refusal to participate in program assignments (see Sections 42-781 through 42-787).
- (c) The criteria for successful completion of the program, which shall include regular attendance, satisfactory progress, and completion of assigned program components. (See Sections 42-740.14 and 42-772.34.).

.133 A description of the grace periods for changes to the terms of a contract as follows:

(a) The CWD shall allow the participant three working days after signing the contract, or any amendment to the contract, in which to consider and evaluate the proposed terms before the contract is considered final. If any changes to the proposed terms are agreed to as a result of this consideration period, the contract shall be revised to reflect the changes and shall be considered final.

(b) The participant has 30 days from the beginning of a training or education assignment in which to request a change or reassignment to another component. The county shall grant the participant's request for reassignment if another component is available, or expected to be available within a reasonable period of time, that is consistent with the participant's employment plan. This grace period shall be available only once to each participant.

.14 The contract shall specify, and shall be amended to reflect changes in, the participant's employment plan as follows:

.141 The employment goal to be attained under the program.

.142 A description of assigned activities that are needed for the participant to attain the employment goal, which may consist of one or more of the components specified in Section 42-730.

.143 Specific requirements for successful completion of assigned activities including, but not limited to, time frames for completion and required hours of participation.

.144 A general description of supportive services that are available as necessary for the participant to complete assigned program activities.

.145 Agreements between the CWD and participants in accordance with Sections 42-772.11 and .122(a).

14 In developing the contract, the CWD shall take into consideration the availability of appropriate resources!

.2 *141* A participant shall not be placed involuntarily in any other training or education component, as specified in Sections 42-730.3 and 42-770.5, while waiting to begin participating in the assignment or assignments specified in the contract.

.423 Subject to limits specified in Section 42-730.27, the participant shall receive job search services if the training and/or education assignment or assignments specified component agreed to in the contract is/are not immediately available.

.4 Any assignment to a program component shall be reflected in the contract or an amendment to the contract. The county and the recipient shall be bound by the terms of the contract or any amendments thereto. The participant shall maintain satisfactory progress toward the goal of employment through the methods set forth in the contract; and except as provided in Section 42-771.41, the county shall provide the services specified in the contract.

.41 The CWD shall not be bound by the terms of a contract with another county. When a participant reenters GAIN after an intercounty transfer, the CWD in the second county shall enter into a new contract with the participant that is based upon a new employment plan.

13 The contract shall describe in detail the types of supportive services generally available to GAIN participants and shall state that needed supportive services shall be provided to the participant. (See Section 42-730.1)

.65 (Continued)

.76 (Continued)

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Section 11321.4, 11325(f), 11325.12(c)(1)(B) and 11325.12(d) 11325.21, 11325.22(a)(1), (b)(2)(A), (b)(5)(A), (b)(6), (g), and (h), Welfare and Institutions Code; 45 CFR 250.30(b)(5); and 45 CFR 255.2(h).

Amend Section 42-772 to read:

42-772 GAIN BASIC PARTICIPANT CONTRACT PARTICIPATION REQUIREMENTS

42-772

Based on the information obtained according to Section 42-761, the CWD shall determine the requirements of the basic contract.

11 For any participant who has not been employed within two years prior to GAIN registration, and who does not meet the conditions of 13 below, the basic contract shall provide that the individual participate in job club (Section 42-730.21) for a three-week period.

111 Participation in job club shall be delayed for individuals who meet the conditions in 14 or 15 below, except as specified in 143, 152, and 153 below.

12 For any participant who has been employed within two years prior to GAIN registration, but who does not meet the conditions of 13 below, the basic contract shall provide that the individual has an option to participate for a three-week period in either job club (Section 42-730.21) or supervised job search (Section 42-730.22).

121 The job search period may be shortened when it is determined that all reasonable job search efforts have been exhausted.

.1 Following appraisal as described in Section 42-761, all participants except those described in Sections 42-772.12 and .13 shall be assigned to participate for a period of three weeks in job search services (see Section 42-730.2) that the CWD determines are appropriate to the participants' needs.

.11 The period of job search services may be shortened or lengthened upon a written agreement between the participant and the CWD in the participant contract.

.111 The period may be shortened if reasonable job search efforts have been exhausted and further job search services would not be beneficial.

.112 The period may be extended to the limits specified in Section 42-730.27 if continued job search efforts are likely to lead to employment.

.12 The following individuals shall not be required, but may be permitted, to participate in job search services as the first program assignment following appraisal:

.121 A custodial parent under age 20 as defined in Section 42-772.7.

(a) The period of job search shall occur upon attainment of a high school diploma or its equivalent unless the individual has chosen to complete job search immediately after appraisal.

.122 A person who has been determined by the county to lack the skills or education necessary to secure or succeed in entry-level employment based upon local labor market conditions.

(a) The period of job search shall occur when the participant and CWD agree in writing in the participant contract that the individual has acquired sufficient skills and education to benefit from job search services unless the participant has chosen to complete job search immediately after appraisal.

(b) The period of job search may be concurrently scheduled with other assigned education/training activities as provided in Section 42-772.33.

.123 A person who expresses a desire to be assigned to a basic education activity if the individual lacks a high school diploma or its equivalent and has held, but not retained, two or more jobs during the two-year period prior to appraisal or the individual is employed at the time of appraisal. A job is considered to have been retained if it has been held at least six consecutive months.

(a) The period of job search shall occur upon attainment of a high school diploma or its equivalent unless the individual has chosen to complete job search immediately after appraisal.

.124 A person enrolled in, or attending in good standing, a self-initiated education or training program approved in accordance with Sections 42-772.311 or .4.

.125 A person who has participated in job search activities under an employment program within the six months prior to appraisal, if the county determines that another period of job search would not be beneficial.

.126 A person who meets all of the following criteria:

(a) Has returned to the county's GAIN program within a two-year period.

(b) Has only participated in GAIN appraisal and job search activities.

(c) Has held, but not retained, two or more jobs during the two-year period. A job is considered to have been retained if it has been held at least six consecutive months.

.13 The parent in a family eligible for aid due to the unemployment of the principal earner (AFDC-U Parent), who is required to participate in accordance with Section 42-775.

.131 In addition to participation required by Section 42-775.1, the CWD may require the AFDC-U Parent to participate concurrently in job search activities as specified in Section 42-772.1. Concurrent assignments to job search are subject to the provisions of Section 42-775.4 and may be made to the extent they do not conflict with the participation requirements of Section 42-775.

.14 Upon completion of job search as required in Section 42-772.1, or a determination that job search is not required in accordance with Section 42-772.12 or .13, participants shall be assigned to program activities as provided in Sections 42-772.3, .4 or .7, as applicable. See Sections 42-772.2, .5, and .6 for requirements related to employment plans, participant contracts, and limits on participation.

HANDBOOK BEGINS HERE

.15 The intent of regulations in Sections 42-772.1 through .126 is to require job search as the first assignment for any individual who may benefit from participation in job search services. In some cases, the regulations will require individuals who are already employed part-time to participate in job search activities to improve job search skills and obtain full-time employment. In those cases, the CWD is encouraged to schedule job search activities, to the extent possible, that do not conflict with the hours participants are working.

.16 Examples:

(a) It is determined at appraisal that the participant is enrolled in a self-initiated program (SIP) that meets SIP approval criteria. The participant is not required to participate in job search as her first activity following appraisal, and an assessment is not required for development of her employment plan so that she may continue to participate in her self-initiated program. Job search will be required upon completion of the program.

(b) The participant is determined at appraisal to lack the skills and education necessary for entry-level employment in the local labor market and is, therefore, not assigned immediately to job search. Following assessment and a period of participation in ABE, the participant and CWD agree, in writing, in the amended contract that she has acquired sufficient skills and education to benefit from job search services. To avoid interrupting ABE participation, the individual is scheduled to concurrently participate in ABE and job search after a determination that concurrent participation requirements could be met.

/211 This determination shall be subject to supervisory approval/

/212 This determination shall include consideration of factors such as job opportunities in the labor market and the individual's recent job search efforts/ The CWD shall be permitted to verify the recent job search efforts/

122 Participation in the chosen option shall be delayed for individuals who meet the conditions in 14 or 15 below/ except as specified in 143/ 152/ and 153 below/

.2 Except as provided for an AFDC-U Parent in Section 42-772.24, the participant shall be assigned to GAIN job search, education, and/or training activities in accordance with an employment plan that is based, at a minimum, on consideration of the individual's existing education level, employment experience and employment goals; available program resources, and local labor market opportunities.

.21 The employment plan shall specify the employment goal to be attained under the program, as well as the assignment(s) needed to achieve the employment goal.

.22 Except as provided in Sections 42-772.23 and .24, the employment plan shall be developed on the basis of information received in an assessment that is performed upon completion of job search as required in Section 42-772.1, or a determination that job search is to be delayed in accordance with Section 42-772.12. The assessment shall meet the requirements of Section 42-773.1.

.23 Notwithstanding Sections 42-772.2 and .22, the employment plan for a participant in a self-initiated program approved in accordance with Section 42-772.311 or .4, including a teen participant subject to Section 42-772.722, may be developed on the basis of an appraisal as required in Section 42-761.

.24 Notwithstanding the provisions of Sections 42-772.2 and .22, the employment plan of the AFDC-U Parent who is required to participate in accordance with Section 42-775 shall meet the requirements of Section 42-775.1 and may be developed on the basis of either an appraisal or an assessment, as provided in Section 42-775.2.

.25 Any assignment, or change in assignment, to a program activity in accordance with Sections 42-772 through 42-775 shall be included in the participant contract, or an amendment to the participant contract, as required in Section 42-771.

13 For any participant whose AFDC benefits have been discontinued two or more times within three years prior to GAIN registration due to his/her employment/ the basic contract shall provide for an immediate referral to an assessment as specified in section 42-773/

131 Referral to an assessment shall be delayed for individuals who meet the conditions in sections 42-772/14 or 15/ except as specified in sections 42-772/143/ 152/ 153 and 158/

.3 Except as provided for an AFDC-U Parent in Section 42-772.35 and a teen participant in Section 42-772.7, the participant shall be assigned to one or more of the education and training activities described in Sections 42-730.3 and .5, as appropriate and necessary to achieve his/her employment goal as specified in the participant contract.

.31 Except as specified for teen participants in Section 42-772.7, a participant who lacks basic literacy or mathematics skills, a high school diploma or its equivalent, or English language skills shall be assigned to participate in adult basic education (see Section 42-730.51) as appropriate and necessary to achieve his/her employment goal.

.311 If the participant at the time of initial GAIN appraisal is attending a program for the sole purpose of obtaining the basic educational skills described in this section, she/he shall be allowed to continue in that program under the following conditions:

(a) Literacy or educational deficits are identified using appropriate testing instruments or other appraisal results, which can be addressed through the existing educational activity.

(b) The individual provides documentation of attendance and progress as specified in Section 42-772.47 if there is no contract between the educational program provider and the CWD.

(c) The individual meets the satisfactory progress provisions specified in Section 42-772.34.

(d) The CWD may require concurrent or sequential participation in other appropriate GAIN activities as provided in Section 42-772.33.

.312 Participants subject to this section shall be determined to have obtained the basic educational skills needed to achieve his/her employment goal based on exit criteria and testing instruments consistent with criteria and testing instruments used to determine basic education needs at appraisal.

.32 Except for a basic education assignment required by Section 42-772.31, a participant shall not be assigned to a program component that exceeds two years or, with respect to classroom education or training, two academic years.

.321 The two-year period may be extended, one time only, for a period not to exceed six months if it is reasonable to expect that the component will be completed within the extended period and the individual has been unable to complete the component due to any of the following circumstances:

(a) The individual's basic skills needs required more class time than was estimated at the commencement of the component.

- (b) The school or college did not offer required classes in a sequence that permitted completion of the component within the prescribed time period.
 - (c) A personal or family crisis prevented the individual from completing the component within the two-year period.
 - (d) The individual worked a minimum of 10 hours per week in employment paying at least the state or federal minimum wage, whichever is greater, for no less than six calendar months while participating in the assigned program.
- .322 Periods during which the individual has good cause for not participating, shall not count against the two-year limit.
- .323 A participant who fails to complete the assigned component within the two-year limit and six-month extension, is required to participate in job search in accordance with Section 42-772.8, if she/he has completed or exhausted the time limits on any other activity(ies) in her/his employment plan.
- .33 Participation in activities assigned pursuant to Section 42-772 may be sequential or concurrent. The CWD may require concurrent participation in the assigned activities if it is appropriate to the participant's abilities, consistent with the participant's employment plan, and the activities can be concurrently scheduled.
- .331 Except for a participant subject to the 20-hour limit in Section 42-772.6, the combined hours of participation in concurrently assigned activities shall not exceed 40 hours per week.
- .34 The criteria for successful completion of training and education assignments shall include regular attendance, satisfactory progress, and completion of the program.
- .341 If the CWD has entered into a contract with a service provider for the training or education program, the contract between the provider and the CWD shall contain provisions for reporting the participant's attendance and progress, as specified in Section 42-740.14.
- .342 If there is no provider contract with the CWD, the procedures in Sections 42-772.46 through .463 shall be followed to monitor attendance and progress.
- .35 The CWD may require an AFDC-U Parent who is required to participate in a work activity in accordance with Section 42-775 to participate concurrently in education and/or training activities. A concurrent assignment to a work activity and education/training are subject to the provisions of Section 42-775.4 and may be made to the extent they do not conflict with the participation requirements of Section 42-775.

- .4 The requirements of Section 42-772.3 shall not apply to ~~for~~ any participant who, at appraisal, is enrolled in, or attending in good standing, a self-initiated vocational training ~~program~~ or an educational program ~~which~~ that is ~~will~~ likely to lead to unsubsidized employment in an occupation in demand, is consistent with the participant's employment goal, and is approved by the CWD as provided in Sections 42-772.4 through .47. ~~The basic contract shall provide~~ The participant shall be allowed to continue participating for up to two calendar years of ~~continued participation~~ in the self-initiated program under the conditions and limitations in this section. ~~The program shall be consistent with the participant's preliminary employment goal.~~ The CWD shall notify the individual/ in writing/ ~~the individual~~ if the self-initiated program or extension to the program is disapproved, and the notice shall include the reason(s) for ~~that~~ disapproval.

HANDBOOK BEGINS HERE

Individuals whose self-initiated programs are not approved as a GAIN activity may qualify for a deferral under Section 42-761.43(a).

HANDBOOK ENDS HERE

- .41 In order to be approved, the individual's program shall be scheduled to be completed within the two-year period from the date the ~~basic~~ contract required in Section 42-771 is signed.

.411 (Continued)

- (a) The individual's basic skills ~~requirements~~ needs required more class time than was estimated at the commencement of the program.

(b) (Continued)

- (c) ~~The individual had a~~ A personal or family crisis ~~that resulted in the inability of that~~ prevented the individual ~~to complete~~ from completing his or her self-initiated program within the prescribed time period without an additional period of attendance; not to exceed six months.

- (d) The individual worked a minimum of 10 hours per week in employment paying at least the state or federal minimum wage, whichever is greater, for no less than six calendar months while participating in the self-initiated program.

- .412 An individual whose self-initiated program, approved under the provisions of this section, is interrupted for good cause as defined in Section 42-782.1 ~~which~~ that prevents participation in the education or training program, shall be permitted to resume participation in the same program as follows: (Continued)

- .42 Vocational and educational programs ~~which will~~ that are likely to lead to unsubsidized employment in an occupation in demand/ shall be those ~~which that~~ will provide the participant with the training or education required to obtain employment in the goal occupation identified ~~under the provision of~~ as required in Section 42-761.328. (Continued)
- .43 (Continued)
- .431 An individual who meets either of the following criteria shall be deemed employable and not eligible for SIP approval:
- (a) Possesses a baccalaureate degree.
 - (b) Has the education or job skills necessary to obtain unsubsidized employment in an occupation in demand that will provide the individual with an income at least equal to two times the federal poverty level for the appropriate family size. (Continued)
- ~~143 An individual may choose to participate concurrently according to 111/ 122/ or 131 above/ whichever is appropriate/~~
- .465 The basic contract shall provide that if concurrent participation has not occurred as specified in Section 42-772.45/ the participant shall participate according to Sections 42-772.9 1/ 12/ or 13/ whichever is applicable/ when the participant she/he does any of the following:
- .451 Completes the program or reaches the two-year limit and exhausts the available extension as specified in Section 42-772.41, whichever occurs first. / ~~or when any of the following occur:~~
 - ~~46152~~ The participant stops participating in the educational or training program.
 - ~~46253~~ The participant fails or refuses to regularly attend the educational or training program.
 - ~~46354~~ The participant does not maintain satisfactory progress in the educational or training program.
 - ~~46455~~ The participant fails or refuses without good cause to increase participation in the self-initiated program to full-time, or fails to participate on at least a half-time basis, as appropriate in accordance with Section 42-772.441 or .442.
- ~~1465 The participant fails to participate on at least a half-time basis/~~
- .476 (Continued)
- .4761 (Continued)

.4762 (Continued)

.4763 (Continued)

.487 (Continued)

15 Except as specified in Section 42772/7/ for any participant who lacks basic literacy or mathematics skills/ a high school diploma or its equivalent/ or English language skills/ the basic contract shall provide that the individual participate in either basic skills instruction/ instruction in order to obtain a general educational development (GED) certificate/ or instruction in English-as-a-second language (ESL)/ For purposes of this section/ basic education is defined to include basic skills instruction/ GED and ESL/

151 The CWP shall refer these participants to appropriate service providers/ including/ but not limited to/ the educational programs operated by school districts or county offices of education that have contracted with the Superintendent of Public Instruction to provide services to participants pursuant to Section 33117/3 of the Education Code/

HANDBOOK BEGINS HERE

Section 33117/3 of the Education Code provides that the Superintendent of Public Instruction will identify school districts or county offices of education which can best accommodate GAIN participants for whom vocational education/ adult education/ or English-as-a-second language is specified in the participant contracts/ The educational provider will evaluate the participant's educational and training needs and will prepare a plan which specifies the educational and training services to be provided and the length of time services are to be provided/

HANDBOOK ENDS HERE

1511 Participants shall be required to maintain satisfactory progress/ according to the CWS or provider criteria as specified in Section 42740/14/ in their basic education activities/ The CWP shall conduct or arrange for an evaluation when a participant is complying with other program requirements as specified in Section 42781/1/ and either of the following occurs/

(a) The participant is determined to not be making satisfactory progress in his/her basic education activity/ or

(b) The participant is determined by the education provider to be unable to benefit from this activity due to a suspected or known learning or medical problem/

1512 The purpose of the evaluation required in Section 42772/511 above shall be to determine whether the participant has the ability to successfully complete his/her assigned activity/

- (a) The participant shall be involved in the decisions made during the evaluation and shall have appeal rights consistent with those provided pursuant to Section 42-774/122/
- (b) This evaluation shall include/ but is not limited to/ the following activities/
- (1) Testing to obtain additional information regarding the participant's learning abilities/ if determined appropriate by the CWP/
 - (2) Identification of barriers to progress and efforts by the CWP to remove these barriers/
 - (3) Determination of what activity is most appropriate for the participant/ including/
 - (A) Reassignment to the participant's previous activity/
 - (B) Referral or referral to existing educational programs that meet special needs of the participant/
 - (C) Referral to Job Club/ as provided in Section 42-770/21/ if the CWP determines that the participant has the skills needed to obtain unsubsidized employment in the local labor market/
 - (D) Referral to assessment/ as specified in Section 42-771/2/ or to a rehabilitation assessment/ followed by the appropriate post-assessment activity/

HANDBOOK BEGINS HERE

The evaluation is intended to provide a method for determining the appropriate services needed by an individual for long-term success in the labor market/ Individuals who are determined to need long periods of classroom instruction in order to achieve basic skills should not be referred to an evaluation if they are making steady/ satisfactory progress in attaining the basic skill goal/

HANDBOOK ENDS HERE

- 152 An individual may choose to concurrently participate/ prior to assessment in accordance with Sections 42-772/11/ 122/ or 131/ whichever is appropriate/

- 153 If an individual objects to the requirement for immediate participation in the education program/ the basic contract shall provide for immediate participation according to 11/ 12/ or 13 above/ whichever is appropriate/ followed by participation in an appropriate educational program/ if employment is not obtained/
- 154 For participants who participate first or concurrently according to sections 42+772/1 or 12/ a referral to an assessment (section 42+773) shall not be made until the education program has been completed/ except as provided in section 42+772/58/
- 155 For participants who participate first or concurrently according to 13 above/ an appropriate education program shall be part of the employment plan developed pursuant to section 42+773/
- 156 Individuals who/ at the time of the initial appraisal/ are attending a program for the sole purpose of obtaining basic educational skills described in this section/ shall be allowed to continue in that program under the following conditions/
- 1561 Literacy or educational deficits are identified using appropriate testing instruments specified in section 42+761/361 or other appraisal results/ which can be addressed through their existing educational activity/
- 1562 The individual provides documentation of attendance and progress as specified in section 42+772/47 if there is no contract between the educational provider and the CWD/
- 1563 The individual meets the satisfactory progress provisions specified in sections 42+772/311 and 1512/ and proceeds to the next appropriate GAIN activity upon completion of the basic education activity/
- 157 Individuals needing basic educational skills as described in this section shall be determined to have obtained these skills based upon exit criteria provided by SSSS in conjunction with SPE/ These criteria shall be consistent with appraisal criteria used to determine basic educational skills needs as specified in section 42+761/361/
- 158 In accordance with the provisions of section 42+730/5/ a participant may be concurrently enrolled in basic education (as defined in section 42+772/3) and training and/or education services (as defined in sections 42+730/3/ 152 and 153)/ A participant who requests such concurrent enrollment is not precluded from participation in accordance with sections 42+772/32 and 153/
- 1581 A participant may be concurrently enrolled in basic education (as defined in section 42+772/3) and training and/or education services defined in sections 42+730/3/ 152 and 153 if/

- (d) The county offers concurrent enrollment as a program activity as defined in section 42-730/6 and as specified in its approved county plan (see section 42-720/39) and
- (e) The individual requested such concurrent enrollment as specified in section 42-761/384. Assignment to concurrent enrollment shall be made only when agreed to by the participant and
- (f) The county determines during assessment that concurrent enrollment is appropriate for the participant and
- (g) It is feasible for appropriate activities to be concurrently scheduled.

1382 Counties may choose to offer one or both of the following concurrent enrollment program flow options:

- (a) Following appraisal and enrollment in the needed basic education activity, the participant may be assigned to assessment and enrolled in training and/or education activities as defined in sections 42-730/3, 132, and 133 which are consistent with the employment plan (see sections 42-773 and 42-774).
- (b) Following appraisal, a participant may be assigned to assessment, followed by enrollment in the needed basic education activity and in training and/or education activities as defined in sections 42-730/3, 132, and 133 which are consistent with the employment plan (see sections 42-773 and 42-774).

1383 The two+academic+year limitation for completion of a post-assessment education program (see section 42-730/34) shall not apply to basic education activities undertaken by a participant in a concurrent enrollment program pursuant to section 42-730/6.

The two+academic+year limitation also shall not apply to basic education for a participant who does not enter or does not remain in a concurrent enrollment program following assessment undertaken pursuant to section 42-772/382.

1384 For purposes of cause determination, conciliation and sanction, basic education is the primary component. Counties shall ensure continued participation in basic education in the event participants fail to refuse to comply with program requirements without good cause. See sections 42-781/72 and 42-788/23.

.5 Notwithstanding any other provision in these regulations, until AFDC eligibility has been established for a mandatory registrant, she or he may only be required to participate in appraisal and job search (see Sections 42-761 and 42-772.1), as applicable. The mandatory registrant who is subject to Section 42-772.12 may only be required to participate in appraisal; however, the individual is permitted to participate in job search on a voluntary basis.

.6 (Continued)

.63 The participation limit specified in Section 42-772.6 shall not apply to any parent or other relative who is personally providing care to a child three to six years of age, when that parent/relative meets the criteria described in Section 42-774.214. (Continued)

.7 ~~For any~~ A custodial parent/ under age 20, who does not possess a high school diploma or its equivalent and who is not exempt, or whose sole reason for exemption would have been having a child under age three, or who volunteers, ~~the participant contract shall provide that the individual~~ participate in an educational activity leading to a high school diploma or equivalent, except as provided for self-initiated participants in Section 42-772.722. (Continued)

.72 GAIN participation for these participants is limited to an education activity leading to a high school diploma or equivalent, except as follows:

.721 ~~For a~~ A custodial parent described in Section 42-772.7, who is 18 or 19 years of age and who fails to make satisfactory progress in the education activity to which he/she is assigned, shall be subject to the provisions of Section 42-772.3.2 and 42-772.3.3 shall apply. If The 20-hour weekly participation limit specified in Section 42-772.6 shall apply to participation in any activity other than an educational activity leading to a high school diploma or equivalent that is required as a result of the progress evaluation/ such participation shall be subject to the 20-hour weekly participation limit of Section 42-772.6.

.722 ~~For a~~ A custodial parent described in Section 42-772.7, who is 18 or 19 years of age and ~~who~~ is enrolled in a self-initiated vocational training or educational program that meets the SIP approval criteria in Section 42-772.4, ~~the participant contract~~ may specify participation continue to participate in the approved self-initiated program in lieu of the educational activity. Such participation shall be subject to the 20-hour weekly participation limit of Section 42-772.6. (Continued)

.78 (Continued)

.781 If the teenage parent is not emancipated and is living with his/her parent(s) or legal guardian, the parent(s) or legal guardian shall also be notified of the teenage parent's failure or refusal to comply with program requirements, as specified in Sections 42-781.213, .4512 and .812.

18 Notwithstanding any other provision in these regulations, for any mandatory registrant for whom AFDC eligibility has not yet been determined and who meets the job search criteria in Sections 42-772.1 or 42-772.2, the initial contract activity is limited to appraisal and the job search activities specified in Sections 42-772.1 and 42-772.2, as applicable, until such eligibility has been established.

181 For those mandatory registrants for whom AFDC eligibility has not yet been determined and who do not meet the job search criteria in Sections 42-772.1 or 42-772.2, the only activity that can be required is appraisal; further participation cannot be required until such eligibility has been established.

182 For those mandatory registrants for whom AFDC eligibility has not yet been determined, who meet the job search criteria specified in Section 42-772.1 or Section 42-772.2, who are in need of basic education and who choose to participate in such education prior to the applicable job search activity, participation cannot be required until such eligibility has been established.

19 For a participant who has an intercounty transfer, and has not completed the terms of a basic contract in the first county, the CWD and the participant shall enter into a new basic contract in the second county.

.8 If unsubsidized employment is not obtained upon completion of the activity(ies) specified in the participant's employment plan and contract, including any plan that provides for a self-initiated program approved under Section 42-772.311 or .4, the participant shall be assigned to job search services for a period not to exceed the limits set in Section 42-730.27. These services may include any of the services described in Section 42-730.2 that the CWD determines are appropriate to the participant's needs.

.81 A participant who has not yet received an assessment and has not obtained unsubsidized employment upon completion of the period of job search required by Section 42-772.8, shall be referred to assessment (see Section 42-773.1). The assessment shall be used to develop an amended employment plan including any activity(ies) necessary to achieve the participant's employment goal, which shall be assigned in accordance with Section 42-772.3 and reflected in the contract as required in Section 42-772.25.

.82 A participant who has not obtained unsubsidized employment upon completion of an employment plan developed on the basis of an assessment and the period of job search required by Section 42-772.8, shall be referred to reappraisal in accordance with Section 42-774.

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11310, 11320.3(b)(6)(B), (d) and (e), 11321/13/ 11322.8(c), 11323/24/25/ 18/ and 177/ 11325.22(a), (b)(2), (b)(3), (b)(4), and (b)(5), (c), (d), (e), (f), and (g), 11325.23(a)(2)(D), 11325.25, 11325.4(a), 11326/27/ 14/15/16/ and 177/ 11330, 11330.1, 11330.2, 11330.4, 11330.5, 11330.6, 11330.8, 11330.10, 11330.11, 11331.5, 11332.7(b) and 11334, Welfare and Institutions Code; and 45 CFR 250.1; 45 CFR 250.32(a)(1) and (3)(ii); 45 CFR 250.48 and 48(b); and 45 CFR 255.2(a) and (c).

Amend Section 42-773 to read:

42-773 DEVELOPMENT OF AN EMPLOYMENT PLAN ASSESSMENT AND EVALUATION

42-773

11 The following persons shall cooperate with the CWD/ or agency contracting with the CWD/ to develop a mutually agreed upon employment plan:

111 Persons identified in Section 42-772.11 or 42-772.12 who have not obtained employment after three weeks of job club or supervised job search;

112 Persons identified in Section 42-772.13;

113 Persons identified in Section 42-772.13B;

.21 In developing the employment plan the CWD/ or agency contracting with the CWD/ and the participant shall develop an assessment of the skills and needs of the participant. Upon referral to assessment, the participant shall work with the CWD, or agency contracting with the CWD, to develop and agree on an employment plan as required in Section 42-772.22 or .81.

.211 (Continued)

.2111 (Continued)

.2112 (Continued)

.2113 (Continued)

.2114 (Continued)

.2115 (Continued)

17 .12 (Continued)

.13 The assessment shall be conducted by a person qualified by education or experience, preferably with a Master's Degree in an employment counseling related field, to provide counseling, guidance, assessment, or career planning. Minimum qualifications shall be as specified in either 131 or 132 below Section 42-773.131 or .132:

131 Graduation from an accredited college;

.1311 College study must include Graduation from an accredited college, including completion of at least 15 semester units in counseling preparation, of which at least three units must be in the area of career planning. The remaining 12 units must be in the areas of career planning, guidance principles and techniques, personality development, occupational and industrial information, tests and measurements, or other courses relating to counselor preparation; or

~~132~~ .132 Two years of counseling experience, including at least 50 percent vocational counseling in a variety of occupational fields, and 15 semester units as specified in Section 42-773.131 ~~1311~~ above.

~~14~~ .14 For counties ~~which~~ that are subject to State Personnel Board standards and ~~which~~ elect to hire local agency employees to perform assessments, minimum qualifications for assessors shall be consistent with ~~13 and its subdivisions above~~ Sections 42-773.13 through .132 as determined by the State Personnel Board in accordance with Government Code Sections 19800 et seq. and Local Agency Personnel Standards (California Code of Regulations, Title 2, Division 5).

~~15~~ .15 If the CWD is unable to find or use persons to conduct the assessment who meet the qualifications specified in ~~13 or 14 above~~ Section 42-773.13 or .14, the CWD shall provide the following information in the county plan:

~~151~~ .151 (Continued)

~~152~~ .152 (Continued)

~~153~~ .153 How, and over what time period, the persons selected to perform the assessments will acquire the qualifications specified in ~~13~~ Section 42-773.132 above.

~~16~~ .16 If the participant and the assessor are unable to reach agreement on developing an employment plan, the CWD shall refer the matter for an independent assessment by an impartial third party with career planning experience, who has been designated by SCDSS to perform this function.

~~161~~ .161 This third-party assessment shall be binding upon the CWD and the participant and shall be used to develop the appropriate employment plan for the participant.

~~162~~ When the independent assessment has been completed and the employment plan developed, the participant and the CWD shall amend the contract using the procedures as outlined in Section 42-774.11

HANDBOOK BEGINS HERE

~~163~~ .162 No state hearing shall be granted regarding the development of an employment plan until an independent assessment has been performed.

HANDBOOK ENDS HERE

~~17~~ The results of the assessment and employment plan shall become an attachment to the contract and shall be used to amend the basic contract as specified in Section 42-774.1

- .2 A participant with a suspected learning or medical problem, as indicated by information received during appraisal or assessment or by lack of satisfactory progress in an assigned program component, shall be evaluated to determine whether the individual is unable to successfully complete or benefit from a current or proposed program assignment.
- .21 As part of the evaluation, the CWD may require the individual to undergo the appropriate examinations to obtain information regarding the individual's learning and physical abilities.
- .22 Based on the results of the evaluation, the CWD may refer the individual to any of the following, as appropriate:
- .221 The participant's previously assigned activity.
- .222 Existing special programs that meet specific needs of the individual.
- .223 Job search services, if the county determines the individual has the skills needed to find a job in the local labor market.
- .224 Assessment, as described in Section 42-773.1, or reappraisal, as described in Section 42-774, and subsequent assignment to job search, education, or training as necessary and appropriate.
- .23 The participant shall be involved in the decisions made during the progress evaluation and shall have appeal rights consistent with those accorded to all program participants.

.83 (Continued)

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections ~~11323.15~~ 11325.25 and ~~11325.4~~, Welfare and Institutions Code.

Amend Section 42-774 to read:

42-774 PARTICIPANT CONTRACT AMENDMENTS REAPPRAISAL

42-774

Whenever a participant is assigned to a different program component, the contract shall be amended to reflect the assignment and supportive services (Section 42-730) necessary for participation. The CWP and the participant shall sign the amended contract and be bound by its terms.

11 When the assessment in Section 42-773 has been completed, and the CWP and the participant have agreed upon a goal and the resources to be utilized, the CWP and the participant shall amend the basic contract. The contract amendment shall specify at least the following:

111 The goal to be attained under the program.

112 The job services and/or training or education services to be provided.

1121 The job services and training and education services may consist of one or more of the program components described in Sections 42-730/2, 13, and 15 and 16.

1a) If the contract amendment includes an initial assignment to a job service component, the amendment shall also contain a provision for a subsequent assignment to an education or training program if the participant remains unemployed after job services.

1b) If participation in more than one program component is specified in this amendment, another amendment is not required when the participant begins each of the specified components.

1c) Subject to limits specified in Section 42-730/27, if the training and education services as described in Sections 42-730/3 and 15 to be provided under the contract are not immediately available, the participant shall receive job search services until the designated services are available.

1122 The contract amendment shall provide that the participant has 30 days to request a change or reassignment once the training or education has begun. This grace period shall be available only once to each participant.

1a) The CWP shall grant the participant's request for reassignment that is consistent with the assessment, and shall amend the contract accordingly.

113 The time frames and criteria for successful completion of the program and attainment of the goal.

1131 With respect to training and education programs/ the criteria for successful completion shall include regular attendance/ satisfactory progress/ and completion of the program/

(a) If the CWD has entered into a contract with a service provider for the training or education program/ the contract between the provider and the CWD shall contain provisions for reporting the participant's attendance and progress/ as specified in Section 42-774.14/

(b) If there is no provider contract with the CWD/ the procedures in Section 42-772.46 shall be followed to monitor attendance and progress/

114 That needed supportive services shall be provided to the participant/ (See Section 42-770.1)

12 Upon completion of the assigned activities agreed to under Section 42-774.11/ the following provisions shall apply/

.21 The county shall conduct a reappraisal of any participant who does not obtain unsubsidized employment upon completion of all activities included in a post-assessment employment plan developed in accordance with Section 42-773.1 and job search services required by Section 42-770.2 772.8.

.211 The reappraisal shall evaluate whether there are extenuating circumstances, as specified in Sections 42-774.2111(a) through (e).115, that prevent the participant from obtaining employment within the local labor market area with the education and training previously received. The CWD may request verification of the extenuating circumstance.

(a).111 (Continued)

(b).112 (Continued)

(c).113 (Continued)

(d).114 (Continued)

(e).115 (Continued)

.212 Upon a determination that extenuating circumstances exist, as specified in Sections 42-774.2111(a) through (e).115, the participant shall be assigned, in accordance with Section 42-772.3, to receive additional training and/or education services, as the county determines to be appropriate and necessary.

(a) .121 The ~~employment plan~~ participant contract shall be revised as required in Section 42-771 to reflect the appropriate and necessary changes to the employment plan.

.213 Upon determination that no extenuating circumstances exist, and until this determination is reversed, the participant shall only receive ~~the following~~ work experience and job search services and shall be required to participate as follows:

(a) .131 PREP or ~~other work experience~~ AWEX assignment (see Sections 42-730.32 and .33).

(1a) The participant shall continue to seek employment during the PREP or ~~work experience~~ AWEX assignment in accordance with Section 42-730.326 or .335, respectively.

(2b) A county that is operating under a cost reduction plan in accordance with Section 42-720.62 may limit participation in PREP and/or ~~work experience~~ AWEX to one year.

(b) .132 (Continued)

HANDBOOK BEGINS HERE

(1a) Consistent with the employment plan, the participant is assigned to a vocational training assignment. Upon completion of the assignment, the participant does not obtain employment; there are no extenuating circumstances. The only services this participant is entitled to receive are PREP or ~~other work experience~~ AWEX and job search services.

(2b) (Continued)

HANDBOOK ENDS HERE

.214 A PREP or ~~work experience~~ AWEX assignment as described in Section 42-774.213(a)1 shall meet the requirements of Section 42-774.215 if the participant meets all of the following criteria:

(a) .141 The participant does not meet exemption or deferral criteria as specified in Sections 42-761.43 and 42-788, respectively.

(b) .142 (Continued)

(c) .143 (Continued)

.215 ~~The PREP or work experience assignment of a~~ A participant who meets the criteria in is subject to the provisions of Section 774.214 shall be required to participate at least 100 hours per month ~~participation~~ in a PREP or ~~work experience~~ AWEX assignment that is appropriate to the participant's skills and abilities.

(a) .151 The hours of participation in a PREP or ~~other work experience~~ AWEX assignment shall exceed 100 hours per month if required by the provisions of Section 42-730.322.

10Y A work experience assignment may be appropriate community service that includes, but is not limited to, volunteer hours in a school, hospital, public library, or park and recreation district.

10Y .152 The PREP or work experience AWEX assignment shall be reviewed in accordance with Section 42-730.324 or .333, as applicable, and shall include an evaluation of whether extenuating circumstances, as specified in Sections 42-774.21110Y through 10Y.115, have developed.

HANDBOOK BEGINS HERE

(1a) Example: Consistent with the employment plan, a participant is assigned to ABE/ followed by OJT/ The participant has completed all activities in her employment plan but is unable to find employment. The determination is made that there are no extenuating circumstances. Further, this participant is neither exempt nor deferred and has received aid for 22 of the last 24 months. The total of the computation of the hours based on the formula in Section 42-730.322 is less than 100 hours. She must participate in a PREP assignment for 100 hours per month.

(b) Example: A participant with primary responsibility for the care of a two-year-old child has completed the activities in her employment plan while voluntarily participating in GAIN, but she is unable to find employment. It is determined that there are no extenuating circumstances, and the participant has received aid for 22 of the last 24 months. The total of the computation of hours based on the formula in Section 42-730.322 is less than 100 hours. She is not required to participate in a PREP assignment for at least 100 hours per month because she meets an exemption criterion.

HANDBOOK ENDS HERE

11 For a participant who has an intercounty transfer, and has not completed the terms of an amended contract in the first county, the second county shall determine if a new assessment is needed, and/or to which component the participant shall be assigned, and shall enter into a contract with the participant.

.42 (Continued)

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11322.4(gd), 11322.6(f)(2), 11324.8(a), 11325.21, 11325.22, 11325.4(a) and (c), and 11326, Welfare and Institutions Code/; and 45 CFR 250.60(d); and Amendment to the Federal Terms and Conditions for the California Work Pays Demonstration Project approved by the United States Department of Health and Human Services on September 11, 1995.

Amend Section 42-775 to read:

42-775 GAIN PARTICIPATION REQUIREMENTS FOR
AFDC-U PARENTS

42-775

- .1 Notwithstanding the provisions of Sections 42-772.4 and ~~42-774 .9~~, one parent in a family eligible for aid due to the unemployment of the principal earner shall be required to participate as specified in this section.
- .2 (Continued)
 - .21 If, based on the appraisal, the county is unable to determine the appropriate employment activity, the parent shall be referred to assessment and development of an employment plan as described in Section 42-773.1. (Continued)
- .3 (Continued)
 - .31 (Continued)
 - .311 If the required number of PREP participation hours, determined in accordance with Section 42-730.32~~2~~, is less than 16 hours per week, participation for the required number of PREP hours will satisfy the 16-hour per week requirement.
 - .32 On-the-job training (OJT) as described in Section 42-730.3~~4~~.
 - .33 Any activity funded by grant diversion as specified in Sections 42-730.3~~4~~, .3~~4~~5, .3~~4~~6 and .4.
 - .34 (Continued)
 - .35 An VAWEX component as described in ~~this~~ Section 42-730.33.

1331 VAWEX shall be a nonsalaried work experience assignment with a public/ private nonprofit/ or at county option/ a private for-profit employer/ that shall enhance and renew job skills/ build work habits or expedite the transition to unsubsidized employment/

(a) VAWEX assignments may include activities that provide a needed community service/

HANDBOOK BEGINS HERE

(1) Examples of appropriate VAWEX community service assignments include/ but are not limited to/

(a) nonsalaried work experience hours in a preschool/ or an elementary or secondary school/

- (B) nonsalaried work experience hours in a hospital/ convalescent home or hospice program/
- (C) nonsalaried work experience hours in public libraries/ and/
- (D) nonsalaried work experience hours in park and recreation districts/

HANDBOOK ENDS HERE

- 1332 A UWEX assignment with a private for-profit employer shall not exceed 13 weeks except that a county may extend an assignment a maximum of 13 additional weeks based upon the case manager's determination of the participant's need for additional job/work exposure and/or training/
- 1333 An assignment to UWEX shall be reviewed by the county at least annually to ensure that it continues to conform to the employment goal and to provide skills that will lead to unsubsidized employment/
- 1334 The number of hours a participant shall participate in a UWEX assignment shall be based on the employer's need/ but shall not exceed 32 hours per week/
- 1335 Participants assigned to UWEX shall be expected to continue to seek employment/
 - (a) A participant may request job services/ as described in section 42+730/2/ at any time during participation in the UWEX assignment/
 - (b) Hours of participation in job service activities shall not exceed the hours of participation in the UWEX activity/
 - (c) Job search activities during the UWEX assignment shall not be subject to the 40-day time limit specified in section 42+730/272/
- 1336 A UWEX participant assigned to public agencies shall be allowed to/
 - (a) participate in classified service examinations equivalent to the position he/she occupies/
 - (b) participate in all open and promotional examinations for which experience in the position or other relevant experience is qualifying under merit system rules/
- 1337 A UWEX assignment shall not be created as a result of/ or shall not result in/ any of the conditions described in section 42+730/329/